

March 11, 1994

File  
copy  
3/15/94

TO: Board of Selectmen  
FROM: F. DORE' HUNTER, Chairman  
SUBJECT: SELECTMEN'S REPORT

#####

AGENDA

ROOM 204

MARCH 15, 1994

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 CHAIRMAN'S MINUTE
2. 7:32 BOSTON GAS - GREAT ROAD - Enclosed please find petition information and staff comment for Board action.
3. 7:45 SICHUAN PAVILION, INC. - Liquor License Hearing - Enclosed please find revised documents for Board review and Action. The Board previously approved this application, however, after ABCC review it was determined that the Corporate Officers and Corporation name had changed necessitating this re-submittal.
4. 8:00 SPECIAL USE PERMIT # 1/12/94-342 - METROPOLITAN DELI - 208B MAIN STREET - Enclosed please find an application and staff comment for Board review.
5. 8:15 SPECIAL USE PERMIT # 1/14/94-343 - COSTA DONUTS TWO, INC. - 295-307 MAIN STREET - Enclosed please find an application and staff comment for Board review.
6. 8:30 NARA - Enclosed please find materials and comments developed by the Recreation Commission and staff for Board review.
7. 8:45 PLANNING BOARD - The Planning Board will be in to discuss the articles on the 1994 Annual Warrant.

### **III. SELECTMEN'S BUSINESS**

8. WATER DISTRICT WATER BAN - Enclosed please find a copy of the proposed Water Ban Article on the 1994 Annual Water District Warrant for Board discussion.
9. JENK'S FUND APPLICATIONS - Enclosed please find the requests received for allocations from the Jenk's Fund for Board review.
10. 31 CARLISLE ROAD - MARSHALL LAND - Enclosed please find a request from the Mary Marshall Trust and staff comment relative to the Board's Right of First Refusal for review and action.

### **IV. CONSENT AGENDA**

11. MINUTES - Enclosed please find minutes of February 1, 15, 22, 1994 for Board approval.
12. ONE DAY LIQUOR LICENSE - Enclosed please find a request from Chez Claude for a One Day Liquor License for Easter Sunday.
13. ACCEPT GIFT - CIVIL DEFENSE - Enclosed please find a request to accept a donation on behalf of the Civil Defense Agency for Board action.

### **V. TOWN MANAGER'S REPORT**

14. AC CHEVROLET - The Town Manager will seek the Board's direction on enclosed memo.
15. NESWC - Staff will provide a presentation on the budget for this Enterprise Fund, as requested by the Board.

### **VI. EXECUTIVE SESSION**

#### **MEETINGS**

- JOINT FIN COM/SCHOOL COMMITTEE MEETING - MARCH 23, 1994
- April 10, 1994 2-4 P.M. - Open House Senior Center

#### **ADDITIONAL INFORMATION**

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

## **FUTURE AGENDAS**

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

MARCH 29 - 1994

Beginning at 8:00 P.M.

829 acs

Boston GAS  
Gas Main locations

3/15/94  
(2)

### NOTICE TO ABUTTERS

You are hereby notified that a public hearing will be held at the office of the Selectmen of the Town of Acton Massachusetts, on the 15th day of March, 1994, at 7:31 P.M., o'clock, upon the petition of Boston Gas Company for consent to the locations of mains a hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways, and place of Town of Acton and of pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

Approximately 57 feet, more or less, of 3 inch gas main in Great Road (Rte. 2A), Acton from the existing 4 inch gas main in Great Road, southerly to the proposed Acorn Park Drive. Submitted is a set of plans of said gas mains.

BOARD OF SELECTMEN

Form 518D  
648ACS



TOWN OF ACTON  
INTER-DEPARTMENTAL COMMUNICATION

DATE: 2/17/94

TO: Board of Selectmen  
FROM: Dennis Ring, Engineering Assistant II D.P.R.  
SUBJECT: Boston Gas Petition  
Great Road @ Acorn Park

We have reviewed the petition for the above referenced location and we have the following comments.

The Petition is for the installation of a new gas main on Route 2A which will serve the recently approved residential subdivision of Acorn Park. Route 2A is a state highway, and therefore, a road opening permit from the Mass. Highway Department will be required.

We do not foresee any problems in granting this petition.

GREAT

(Rt. 2A & 119)

Ex.

4"

Gas

Ex.

4"

HARRIS

(State Hwy)

Acorn Pk Dr

Prop 3" Gas 57'

(Private)

TOWN OF ACTON  
NOTICE OF HEARING

3/15/94  
③

Notice is hereby given under Chapter 138 of the General Laws that the Board of Selectmen will hold a public hearing in the Town Hall on Tuesday, March 15, 1994 at 7:45 P.M. on the application of Sichuan Pavilion, Inc., 8 Turner Ridge Road, Marlboro, MA, Sau Jing Wong, President, Man Yee Kan, Manager, 177 Yale Ave., Athol, MA, Manager, for the transfer of an All Alcoholic Restaurant License from Dennis Dyer, d/b/a Giovanni's at Nagog Sq., Ltd. 103 Nagog Park, Acton, MA, to Sichuan Pavilion, 103 Nagog Park, Acton, MA.

F. DORE' HUNTER  
ANNE B. FANTON  
WILLIAM C. MULLIN  
NANCY E. TAVERNIER  
NORMAN D. LAKE  
BOARD OF SELECTMEN

# APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

The Commonwealth of Massachusetts  
ALCOHOLIC BEVERAGES CONTROL COMMISSION

General questions to be answered by all applicants.  
Please type or print legibly in ink.

Fee \_\_\_\_\_

Type of alcoholic beverages license: (check only ONE)

☒ Restaurant ☐ Restaurant-Commercial Club ☐ Innholder ☐ General On Premises ☐ Tavern ☐ Club

☐ Package Goods Store ☐ Other (specify): \_\_\_\_\_

Class of license: ☒ All Alcoholic Beverages ☐ Wine and Malt Beverages

Applicant is an ☐ Individual ☐ Partnership ☐ Limited Partnership ☒ Business Corporation

☐ Non-profit Corporation ☐ Other (specify): \_\_\_\_\_

If applicant is an individual, partnership, general partnership or limited partnership, state the following in a, b, and c:

a. For each person - FULL NAME HOME ADDRESS SOCIAL SECURITY NO.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. Firm or trade name, address and telephone no: \_\_\_\_\_

c. Business name (d/b/a) if different: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone no: \_\_\_\_\_

(If applicant has a d/b/a, applicant must include a copy of the certificate of doing business, required under Massachusetts General Law Chap 110, Sect. 5, regardless of which name will appear on the license)

5. If applicant is a corporation:

List the titles of all officers, the manager, and all members of the board directors. Below these list all stockholders (as defined in the instruction sheet). Then give the full name, home address and the number of shares of stock for each:

TITLE	FULL NAME	HOME ADDRESS	SOCIAL SECURITY NO.	NO. OF SHARES OF STOCK OWNED OR CONTROLLED IF ANY
President	San Jing Wong	8 Turner Ridge Rd., Marlboro, MA	010-74-4650	300
Treasurer	Wan Shing Wong	"	060-60-8020	300
Clerk	Wei Dond Zeng	"	030-72-2147	300
Manager	Man Yee Kan	177 Yale Ave. Athol, MA	538-90-4716	----
	Rong Bin Zeng	8 Turner Ridge Rd Marlboro, MA	020-74-2337	100

~~Sau Jing Wong of 8 Turner Ridge Rd., Marlboro, MA, Naomi YuYang of 674 Waltham, MA, Man Yee Kan-177 Yale Ave., Athol, MA are the directors~~

b. Corporation name: Sichuan Pavilion, Inc.

Address: 8 Turner Ridge Rd., Marlboro, MA

Telephone no. 508-460-6888

Business name (d/b/a) if different: Sichuan Pavilion

Address: 103 Nagog Park, Acton, MA

Telephone no. 508-266-1188

(If applicant has a d/b/a, applicant must include a copy of the certificate of doing business required under Massachusetts General Law Chap. 110, Sect. 5, regardless of which name will appear on the license)

5. - cont.

Date of d. incorporation: 12/14/93 State of e. incorporation: MASS Date qualified to do business in f. the Commonwealth of Massachusetts: 12/15/93  
(attach a copy of approved certificate of organization)

6. If applicant is a club, association, limited partnership, or other type of organization:

a. List for each principal officer: (Note - Each association member who signs this application must answer this question)

TITLE	FULL NAME	HOME ADDRESS	TELEPHONE NUMBER
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b. Trade, firm or business name: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone no. \_\_\_\_\_  
(If applicant has a d. b. a, applicant must include a copy of the certificate of doing business, required under Massachusetts General Law Chap. 110, Sect. 5, regardless of which name will appear on the license)

7. State name, address and telephone number of a person who can be contacted concerning this application:

Louis R. Vitiello, Esq. - 9 Meriam St - Suite 2 - Lexington MA 617-862-6983

8. Address and telephone of premises to be licensed:

103 Nagog Park, Acton, MA

9. Give a full and complete description of the premises to be licensed, including location of all entrances and exits:

See floor plan attached.

10. a. Will there be any major remodeling, redecorating or building on the premises in preparation for acquisition of this license?

☒ Yes ☐ No If yes, complete b, c, d, and e.

b. Give a brief description of the planned changes: Changed location of entrance door and remodeled by painting and re-decoating interior.

c. Estimated costs: \$ 10,000 d. <sup>Estimated</sup> construction schedule: completed

e. State all sources of financing: Stockholders

11. a. Does the applicant own the premises to be licensed? ☐ Yes ☒ No If no, state:

1. Names, addresses and telephone number of owners:

Nagog Development Co., A Massachusetts Limited Partnership

One Nagog Park Acton, MA

2. Indicate whether applicant will be a ☐ Lessee ☐ Sublessee ☒ Assignee or ☐ Other

Specify other: \_\_\_\_\_

12. If applicant will be leasing the premises to be licensed, state:

a. 34,000 per Year b. Beginning date of lease 10/1/91 Ending date of lease 9/30/01 With option for 5  
(MONTH, YEAR, ETC.)

13. a. State the names, addresses, and telephone numbers of all persons or entities who will have any direct or indirect additional beneficial or financial interest in this license, as required by Massachusetts General Law c. 138, s. 15A: years

NAME	ADDRESS	TELEPHONE NUMBER
<u>Sau Jing Wong</u>	<u>8 Turner Ridge Rd., Marlboro MA</u>	<u>508-460-6888</u>
<u>Wan Shing Wong</u>	<u>8 Turner Ridge Rd., Marlboro MA</u>	<u>508-460-6888</u>
<u>Wei Dong Zeng</u>	<u>8 Turner Ridge Rd., Marlboro Ma</u>	<u>508-460-6888</u>
<u>Rong Bin Zeng</u>	<u>8 Turner Ridge Rd., Marlboro, MA</u>	<u>508-460-6888</u>

b. Describe all types of financial and beneficial interest each person or entity will have in this license:

All are stockholder in the corporation.

14. a. Does any person or entity listed in question 13 have any direct or indirect beneficial or financial interest in any other type of license granted under Mass. General Law 138? ☐ Yes ☒ No b. If yes, state for each person or entity:

NAME	TYPE OF LICENSE	LICENSE ADDRESS	DESCRIPTION OF INTEREST
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15. a. Has any person or entity named in question 13 ever held a license under G.L. c. 138 which he/she/it does not presently hold?

☐ Yes ☒ No b. If yes, state for each

NAME	TYPE OF LICENSE	LICENSE ADDRESS	DATE LICENSE GRANTED
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16. a. Has any person or entity named in question 13 ever had his/her/its license revoked or cancelled? ☐ Yes ☒ No

b. If yes, state for each name the date and reasons why the license was revoked or cancelled:

17. Has any person or entity named in question 13 ever been convicted of violating any state or federal law? (exclude minor traffic violations) ☐ Yes ☒ No If yes, attach a statement of details.

18. If applicant is an individual, answer the following questions:

a. Are you a United States Citizen? ☐ Yes ☐ No b. Are you at least twenty years old? ☐ Yes ☐ No  
(If yes provide a copy of birth, naturalization or registered voter certificate)

19. If applicant is a partnership, answer the following questions:

a. Are all the partners United States Citizens? ☐ Yes ☐ No b. Are all of the partners at least twenty years old? ☐ Yes ☐ No  
(Provide copies of birth, naturalization or registered voter certificates for each partner)

20. If the applicant is a corporation, answer the following questions: (Corporate applicants must include with this application a copy of the vote by the board of directors appointing the manager or other principal representative)

- a. Are the majority of directors United States Citizens? ☒ Yes ☐ No
- b. Are the majority of directors citizens of the Commonwealth of Massachusetts? ☒ Yes ☐ No
- c. Is the manager or principal representative a United States Citizen? ☒ Yes ☐ No
- d. How many shares of stock are authorized? 200,000 e. How many shares of stock are issued? 1000
- f. Will any stock be pledged as collateral for this license? ☐ Yes ☒ No If yes, to whom?
- g. Will this license be pledged as collateral? ☐ Yes ☒ No If yes, to whom?

NOTE: If applicant is an association, a copy of the birth certificate, naturalization certificate, or registered voter certificate for each member who signs at the end of this form must be included with this application.

NOTICE

The accompanying General Instructions are incorporated herein by reference.

SIGNED AND SUBSCRIBED TO UNDER PENALTY OF PERJURY THIS 22<sup>nd</sup> DAY OF February, 1994

BY: SIGNATURE OF FULL NAME

TITLE

President - Sichuan Pavilion, Inc.

Sa Jing Wong

Note: 1. Individual applicant(s) must sign above.

2. Applications by a partnership must be signed by a majority of the partners.

3. Applications by a corporation must be signed by an officer authorized by a vote of the corporation's board of directors. A copy of the vote of authorization must be included with this application.

4. Applications by an association must be signed by a majority of the members of the governing body. All the signers must have answered question 6a.

Name of attorney, if any, filing application on behalf of licensee.

Telephone number

Louis R. Vitiello, Esq..

(617) 862-6983

Office address

9 Meriam St., Lexington, MA 02173

Time of filing

Date of filing

Name of newspaper publishing notice of application

☐ 6 day ☒ 7 day  
license granted

2:00

2/22

Breun

Space below may be used by local licensing authorities for additional information.

RESTAURANT

S - A

QUESTIONS TO BE ANSWERED ONLY BY APPLICANTS FOR A RESTAURANT ALCOHOLIC BEVERAGE LICENSE

Does the applicant have a duly issued and valid common victualler's license? ☒ Yes ☐ No

22. a. Does the applicant have an entertainment permit? ☐ Yes ☒ No

b. If yes, date of issuance: \_\_\_\_\_

c. If no, does the applicant intend to obtain an entertainment permit? ☐ Yes ☒ No

23. What proportion of your business receipts is expected to be from alcoholic beverages? \_\_\_\_\_ From food? \_\_\_\_\_

24. Does applicant plan to offer a full service or limited menu? Full service

25. a. What is applicant's proposed maximum occupancy? 35

b. What is applicant's proposed maximum seating capacity? 35

26. a. Is the kitchen a separate room or rooms? ☒ Yes ☐ No

b. If yes, state how large the total floor space of the kitchen will be: 1100 sq. ft.

c. If yes, what cooking equipment is or will be in the kitchen? Woks, Ovens, Fryers, Prep. Table, Pick - up table, dishwasher, all Stainless Steel, Pots and pans.

d. If no, describe the types of cooking equipment and where they are or will be located:

\_\_\_\_\_  
\_\_\_\_\_

27. a. How many function rooms or other rooms will be used for the sale, service or dispensing of alcoholic beverages?

None

b. State the name, if any, used to identify each room, and the floor on which each room is located:

\_\_\_\_\_  
\_\_\_\_\_

28. a. Are there sufficient toilets for men on the premises? ☒ Yes ☐ No.

b. Are there sufficient toilets for women on the premises to be licensed? ☒ Yes ☐ No.



FORM A

CHANGE OF MANAGER

THIS FORM IS COMPLETED WHEN THERE IS A CHANGE IN THE MANAGER OF A CORPORATION.

INSERT THE NAME OF THE LICENSEE ON LINE BELOW.

Giovanni's of Nagog Sq., LTD

\_\_\_\_\_  
(TELEPHONE NUMBER)

NAME OF NEW MANAGER: Man Yee Kan

HOME ADDRESS: 177 Yale Ave., Athol, MA 013301

PLACE OF BIRTH: Hong Kong

DATE OF BIRTH: 5/27/62 REGISTERED VOTER: YES      NO     

ARE YOU A CITIZEN: YES x NO     

COURT AND DATE OF NATURALIZATION: U. S. District Court-Boston- 9/29/88

FATHER'S NAME: Fu Kan MOTHER'S MAIDEN NAME: Chan

POLICE RECORD: (LIST FELONY OR ANY DRUG CONVICTIONS) None

PRIOR EXPERIENCE IN THE LIQUOR INDUSTRY:

Waitress serving liquor, Restaurant Manager, Owner of Restaurant that had a Liquor license.

FINANCIAL INTEREST, DIRECT OR INDIRECT, IN ANY OTHER LIQUOR LICENSE:

None.

EMPLOYMENT FOR THE LAST TEN YEARS: (Dates, Position, Employer, Address)

1982-1984-Waitress-Nan King Restaurant, New Hampshire  
1984-1985-Waitress- May Garden Restaurant, New Hampshire  
1985-1990- Owner- King Sing Restaurant, Ornage, MA  
1990-1992- Manager-Chopstick Restaurant, Leominister, MA  
1992-Present-Manager-Royal Mandarin-Marlboro, MA



*The Commonwealth of Massachusetts*  
*The Alcoholic Beverages Control Commission*

*Levitt-Suttonsall Building, Government Center  
100 Cambridge Street, Boston 02142*

TELEPHONE: 727-3040

FORM B

THIS FORM FOR CORPORATION SET-UP

AMENDED

NAME OF LICENSEE: Sichuan Pavilion, Inc. DATE: 2/1/94

<u>TITLE</u>	<u>NAME</u>	<u>ADDRESS</u>	<u># OF SHARES</u>
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PRESIDENT:	<u>Sau Jing Wong-</u>	<u>8 Turner Ridge Rd. Marlboro, MA</u>	<u>300</u>
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TREASURER:	<u>Wan Shing Wong</u>	<u>Same as above</u>	<u>300</u>
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CLERK:	<u>Wei Dong Zeng</u>	<u>Same as aboe</u>	<u>300</u>
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DIRECTORS:	<u>Sau Jing Wang</u>	<u>Same as above</u>	
	<u>Naomi Yu Yu Yang 674 Waltham St., Lexington, MA 02173</u>		
	<u>Man Yee Kan -177 Yale Ave, Athol, MA</u>		

STATE TOTAL SHARES ISSUED: 1,000

SOURCE INFORMATION AS TO ABOVE: Sau Jing Wong-President

INTEREST IN ANY OTHER LIQUOR LICENSE: Naomi Yu Yu Yang is the manager  
Of the Royal Mandarin, Inc. which holds license No. 066200019 for said  
premises in Marlboro, MA  
(Officers - Directors - Shareholders)

DOES CORPORATON ITSELF HOLD INTEREST IN ANY OTHER LIQUOR LICENSE?

No

IDENTIFY OCCUPATION OF SHAREHOLDERS: All are employed in the restaurant  
business except for Sau Jing Wong who is a homemaker

FORM C

THIS FORM FOR FINANCING "CAPITALIZATION"

\* IS LICENSE PART OF COLLATORAL? YES \_\_\_\_\_ NO X  
(Using Liquor License to secure financing)

\* THIS QUESTION MUST BE ANSWERED BEFORE THE FORM IS SUBMITTED

PURCHASE PRICE: \$ 130,000

WHAT WAS PURCHASED: Substantially all assets of Giovanni's of  
Nagog Square., Ltd.  
SHARES OF STOCK: \_\_\_\_\_

ASSETS: Lease \_\_\_\_\_  
(Building) (License)

OTHER ASSETS: See attached

WHO PURCHASED: W & Z, INC.

HOW FINANCED: Cash + Note  
(Cash - Loans - Mortgage - Bank - Seller - etc.)

PREMISES: 103 Nagog Park Acton, MA  
(Owned - Leased - Rented)

IF THIS IS A CLUB LICENSE, HAS THERE BEEN A "SALE" OR "DISSOLUTION"  
OF CLUB? \_\_\_\_\_ CHANGE IN OFFICERS OR CLUB ORGANIZATION? \_\_\_\_\_

ANY ADDITIONAL INFORMATION THAT YOU MAY HAVE THAT WOULD HELP THE  
COMMISSION IN DETERMINING THE STATUS OF THIS APPLICATION: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IT IS IMPORTANT TO KEEP ALL INFORMATION CONFIDENTIAL.

\_\_\_\_\_  
Signature of Investigator

\_\_\_\_\_  
Date

Certificate of Vote  
of  
Sichuan Pavilion, Inc. (formerly W & Z, Inc.)

The undersigned hereby certifies that on December 15, 1993 a meeting was held of the Board of Directors of Sichuan Pavilion, Inc. formerly known as W & Z, Inc. was held at 9 Meriam St., Suite 2, Lexington, MA 02174 at 10 a.m. Present were, Sau Jing Wong and Wan Shing Wong, comprising all of the Board of Directors of the Corporation. The undersigned as Assistant Secretary of the Corporation was invited into the meeting as Secretary of the meeting.

The undersigned certifies that the following votes of the Board of Directors were proposed, seconded, and unanimously passed:

VOTED: That the proposal presented to the Board of Directors by the President as to the acquisition of the assets of the restaurant known as "Giovanni's at Nagog Square, Inc." and located at 103 Nagog Square, Acton, MA upon the terms and conditions proposed be and is hereby approved and all actions taken previously are hereby ratified.

VOTED: That the President be and is hereby empowered to enter into and to execute and deliver such documents as may reasonably be required to accomplish the acquisition of said assets including the transfer of the liquor license now held by the Seller.

Voted: That the President be and is hereby empowered to make such applications to the Town of Acton and various State Agencies or Boards, as may be appropriate or required, to obtain the liquor license now at the location of the assets being purchased from Giovanni's of Nagog Square, Inc.

The undersigned hereby certifies that the foregoing Votes are in full force and effect and have not been changed or modified in any way and the following comprises a list of the officers of the Corporation:

Sau Jing Wong-President  
Wan Shing Wong-Treasurer  
Wei Dong Zeng-Clerk and Secretary  
Louis R. Vitiello, Esq.-Assistant Secretary

February 22, 1994

  
Louis R. Vitiello-Asst. Sec.

**TOWN OF ACTON  
NOTICE OF HEARING**

3/15/94

(4)

The Board of Selectmen of Acton will hold a public hearing on Tuesday, March 15, 1994 at 8:00 P.M. in the Selectmen's Hearing Room, Town Hall on the application of Metropolitan Deli, under Section 10.3 of the Zoning Bylaw for approval of a Special Use Permit for a Restaurant at 208B Main Street, Acton.

The application and accompanying plans may be inspected at the Town Hall during normal business hours.

F. DORE' HUNTER  
ANNE B. FANTON  
WILLIAM MULLIN  
NORMAN D. LAKE  
NANCY E. TAVERNIER

BOARD OF SELECTMEN

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION

DATE: March 7, 1994

TO: Board of Selectmen  
FROM: Garry A. Rhodes, Building Commissioner *GAR*  
SUBJECT: Special Permit # 1/12/94-342 (restaurant)  
Metropolitan Deli, 208B Main St.

The applicant is requesting a Special Permit for a nineteen seat restaurant to be located at 208B Main Street. The restaurant will be located adjacent to Donelan's. The site is zoned General Business and the USE is allowed by Special Permit.

There will not be any external changes to the building. The parking is adequate to meet the requirements of the Zoning Bylaw.

The only concerns appears to be health related. The septic system apparently needs to be replaced in the near future. I would recommend that any Board approval be conditioned on Board of Health approval and maintaining said approval in the future.

I am enclosing staff comments for your review.

INTERDEPARTMENTAL COMMUNICATION

TO: Don P. Johnson, Town Manager

DATE: January 27, 1994

FROM: Roland Bartl, AICP, Town Planner

*R.B.*

SUBJECT: Special Use Permit #1/12/94-342, METROPOLITAN DELI

The proposed deli shop replaces a pharmacy which left the location a few years ago. Since then the space was occupied by at least one other retailer or it was vacant.

Using the "ITE Manual", it is difficult to determine if the proposed deli will have any greater traffic impact than the previous uses in the same space. The deli is not a fast food restaurant, therefore the vehicle trips generated are typically lower than those generated by a hamburger or donut place. A detailed study would be necessary to find out, but I doubt if this effort is warranted.

xc: Garry Rhodes

[RHB.IDC.93\*3]

TOWN OF ACTON  
INTER-DEPARTMENTAL COMMUNICATION

DATE: 2/2/94

TO: Don P. Johson, Town Manager

FROM: David F. Abbt, Engineering Administrator *D. Abbt*

SUBJECT: Special Use Permit 1/12/94-342  
Metropolitan Deli, 208B Main Street

I have reviewed the subject application for a special permit for a restaurant and have no comments. The proposal involves no exterior changes to the site and we are not aware of any parking or sidewalk problems at this location.


.94\*143

C.C. G.R./B.C.



**TOWN OF ACTON**  
**INTERDEPARTMENTAL COMMUNICATION**

January 31, 1994

**TO:** Don P. Johnson, Town Manager  
**FROM:** Dean A. Charter, Municipal Properties Director   
**SUBJECT:** Special Use Permit #1/12/93-342

As this proposed Special Permit will have no impact upon my area of concern, I have no comment.

cc.: Garry Rhodes

DAC/90/12

## INTER-DEPARTMENTAL COMMUNICATION

---

TO: Don Johnson  
FROM: Rose Erdozaincy, Health Agent *RE*  
DATE: March 1, 1994  
RE: Special Use Permit # 1/12/93  
342 Metropolitan Deli

The Health Department has reviewed the Special Use Permit Application of the Metropolitan Deli. The Applicant is in the process of complying with the requirements of the State Sanitary Code for food facilities. There is, however, some concern regarding the existing septic capacity.

Mr. LaFoley, the property owner of 210 Main St., has appeared before the Board of Health to consider the change of use. After making several recommendations to the Board of Health, they unanimously agreed to grant Mr. LaFoley's request. There are however, some stipulations the property owner must comply with. They are as follows:

1. There must be a comprehensive inspection of the existing septic system by a Certified Inspector prior to occupancy by the Metropolitan Deli. If the system is found to be in good working order, occupancy may transpire.
2. Should the existing system fail to pass inspection, the property owner will be required to install an approved replacement system prior to occupancy.
3. Regardless of the current condition of the existing septic system, replacement will be required at the end of the first year of occupancy.

The listed conditions summarize our current concerns with this Special Use Permit Application. The Health Department reserves the right to impose additional requirements as more information is obtained, and the project develops.

Town of Acton

Application for a Special Permit

To The

Board of Selectmen

Please type or print your application.

Indicate the special permit/s requested. The fee for a Special Permit is \$250 unless otherwise noted.

Recreation	Nursing Home	Restaurant
Hotel, Inn or Motel	Combined Business & Dwelling	Lodge or Club
Veterinary Care	Commercial Kennel	Commercial Recreation
Commercial & Trade School	Amusement Facility	Freestanding Sign
Warehouse	Mini-Warehouse	Heating Fuel Sales/Service
Light Manufacturing	Scientific Research/Development/Production	
Reduced Parking Fee = \$100	Drive-Up Bank Fee = \$1000	Service Station Fee = \$1000

If this application is made concurrently with a site plan application, then the fee will be \$100 in all cases.

APPLICANT

Name & Address

Metropolitan Bldg.  
324 LITTLETON RD  
WESTFORD MA 01886

Telephone

508-263-1733

OWNER

Name & Address

Joseph J Motz  
PO Box 585  
Acton MA 01720

Telephone

508-263-1733

SITE

Location and Street Address of the Property

208B MAIN ST. Acton MA 01720

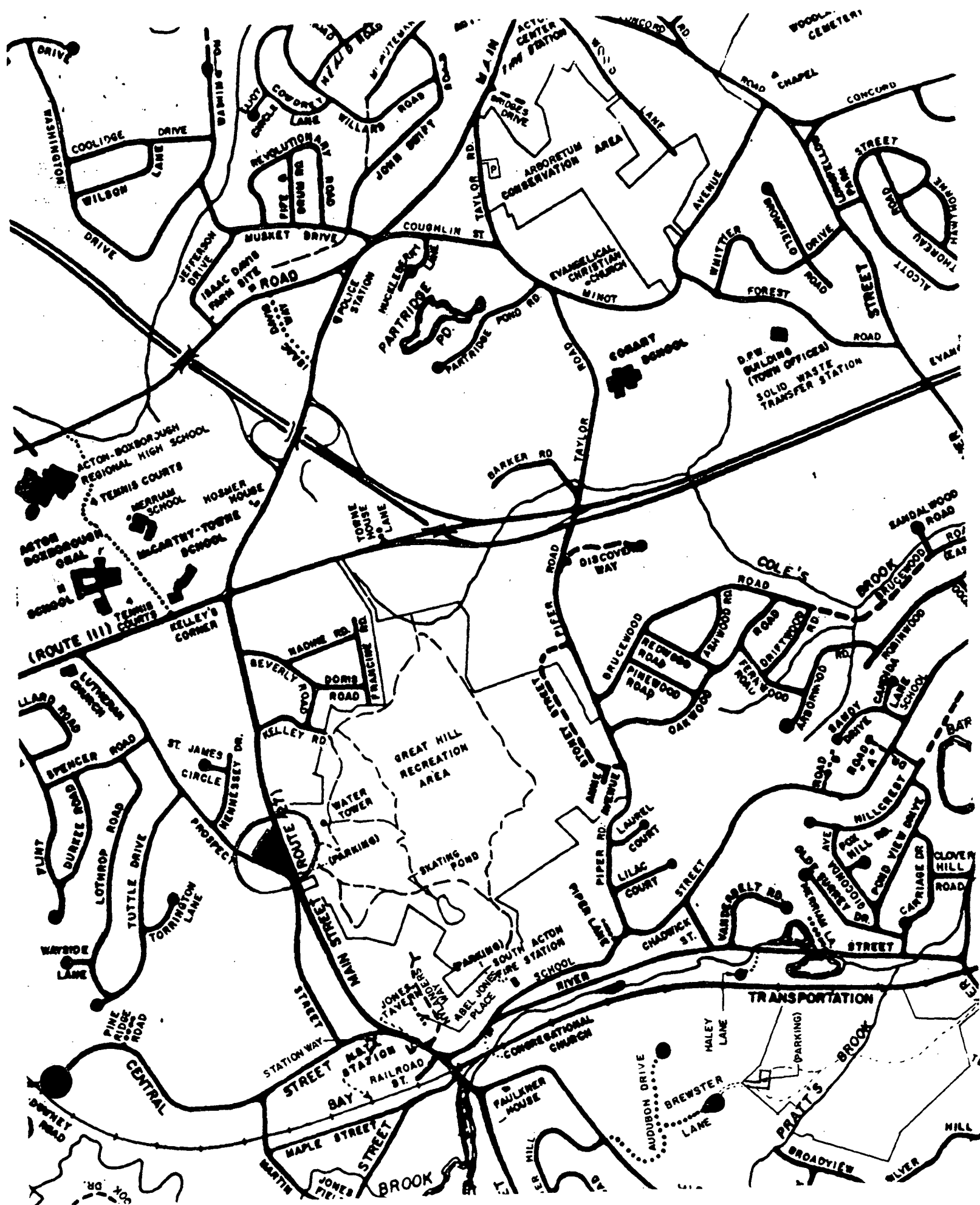
Tax Map & Parcel Number

6-2 117  
Area of Lot ac.

Zoning District

If any other permits or site plans have been  
granted for the property, give the file numbers:

Twelve (12) completed copies of this application and supporting materials including plan sheets, if any, are required at the time of submission. A certified abutters list taken from the most recent town tax list and certified by the Town Assessor must be included with this application. At a minimum, a 1"=1200' location map must be provided with each copy of the application showing the subject site in relation to other lots, roads, and natural features. Sufficient supporting information must be provided to fully explain the purpose and plans of the applicant -- attach additional sheets and plans as necessary. The Board may require additional information as it deems necessary. Each copy of any plan sheets shall be folded so that it will fit neatly into a letter sized file folder.



TOWN OF ACTON  
Board of Assessors  
472 Main Street  
Acton, Massachusetts 01720  
Telephone (508) 264-9622  
Fax (508) 264-9630

---

ABUTTERS LIST

LOCUS:	G20 117 000	222 MAIN STREET
<u>MAP/LOT</u>	<u>OWNER</u>	<u>MAILING ADDRESS</u>
G20 111 000	James Durkin	229 Main Street, Acton 01720
124	Town of Acton	472 Main Street, Acton 01720
139	Acton Water District	P.O. Box 953, Acton 01720
143	Mobil Oil Corp.	
	Property Tax Div.	P.O. Box 290, Dallas, TX 75221
109	Paul Hebert	88 Prospect Street, Acton 01720
110	John Higgins	81 Prospect Street, Acton 01720
110 001	Michael LaFoley	140 Nagog Hill Road, Acton 01720
101	Joseph Luongo	226 Main Street, Acton 01720
102	David Keeler	33 Quaboag Road, Acton 01720
100	David Keeler	
098	Gilbert Bourgeois	89 Prospect Street, Acton 01720
099	Richard Marzullo	3 Hennessey Drive, Acton 01720
091	Janet Edmonds	5 Hennessey Drive, Acton 01720

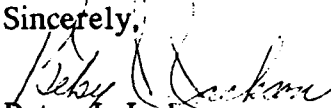
November 30, 1993

Abutters and owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet of the property line all as they appear on the most recent applicable tax list.

HEARING NOTICES FOR ALL SPECIAL PERMITS MUST BE SENT TO THE PLANNING BOARD, TOWN HALL IN THE FOLLOWING TOWNS:

Boxborough, MA 01719  
Carlisle, MA 01741  
Concord, MA 01742  
Littleton, MA 01460  
Maynard, MA 01754  
Stow, MA 01775  
Sudbury, MA 01776  
Westford, MA 01886

Sincerely,

  
Betsy J. Jackson  
Administrative Clerk

## LIGHTER FARE

Bagel	.75
Bagel with Boursin Cheese	1.35
Bagel with Cream Cheese	1.15

## BEVERAGES

Coffee, Tea, Decafe	small	.48
	large	.75
Milk (Regular, Low Fat,)		.48
Tomato Juice, V-8 Juice		.85
Gourmet Cocoa		.85
Soft Drinks	small	.48
	large	.75
Veryfine Juices		.85
Bottled Spring Water		.95
Orangina, Sun Springs, Seltzer		.95

## HOMEMADE SOUP

### Soup du Jour

small 2.20    large 2.75

*Ask your server for our Chef's selection made Daily with Farm Stand Fresh Vegetables.*

### Chowder du Jour

small 2.50    large 2.95

*Our Chef's daily choice is one of these: Clam, Corn or Seafood. Ask your server for today's selection.*

# PROPOSED MENU FOR ACTION STORE

## QUICHES

*Made fresh daily using an array of Fresh Vegetables, Meats, Seafoods and Imported Austrian Swiss Cheese.*  
3.25 per slice    8.95 whole pie

## DESSERTS

Homemade Chocolate Chip Walnut Cookies	.89
Oatmeal Raisin Cookies	.89
New York Style Cakes	2.25

## FRESH SANDWICH SELECTIONS

	Reg	NY Style
Fresh Roasted Turkey	3.95	5.95
Round Gourmet Ham	3.95	5.95
Fresh Cooked Roast Beef	3.95	5.95
Bacon, Lettuce and Tomato	2.95	4.95
Chicken Salad	3.95	5.95
Tuna Salad	3.95	5.95
Turkey Salad	3.95	5.95
Vegetarian: Lettuce, Tomatoes, Onions & Sprouts	2.65	4.65
Genoa Salami	3.95	5.95
Hot Pastrami	3.95	5.95
Hot Corned Beef	3.95	5.95

*All Metro Deli Sandwiches are served with your choice of Crisp Leaf Lettuce, Vine Ripened Tomatoes, Red Onions, Sprouts, Dijon Mustard, Mayonnaise, Russian Dressing, Horseradish, Olive Oil, Dill Pickles, or Hot Peppers.*

## BREADS

*Choose from our Fresh Baked French Baguette Light Rye, Pumpernickle, Syrian Roll-Up, or Club Wheat.*

## TO ENHANCE YOUR SANDWICH

### Cheeses:

American, Imported Auricchio Provolone, Wisconsin Cheddar, or Austrian Swiss - Add .75  
Boursin or Havarti Dill - Add .60 Bacon - Add .50  
Cranberry - Add .40 Avocado - Add .50  
Stuffing - Add .60 Cole Slaw - Add .30

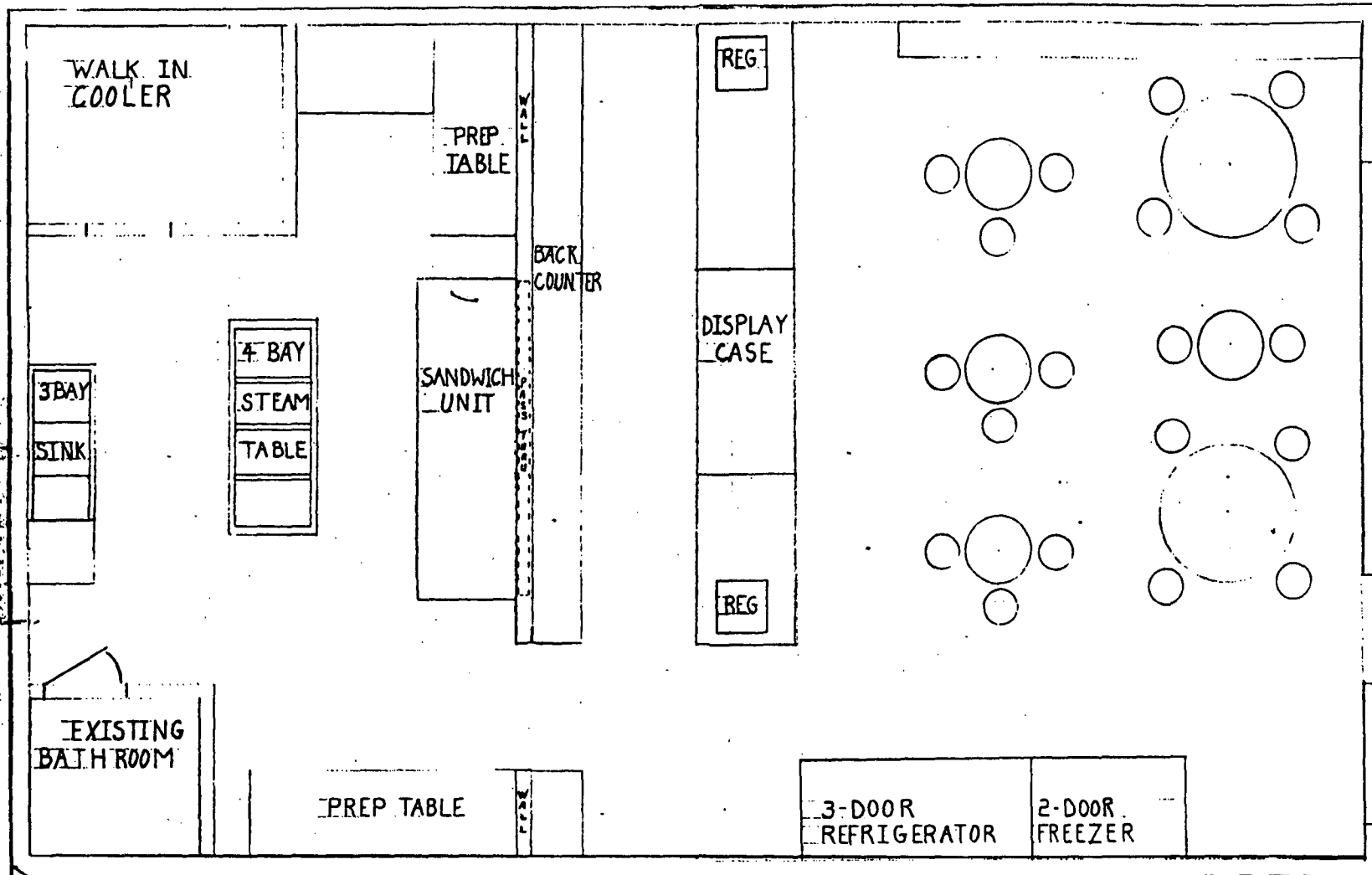
## DESIGNER SANDWICHES

Roast Beef & Boursin Cheese	4.55
Roast Beef, Turkey & Boursin	4.95
Turkey, Bacon & Avocado	4.95
Turkey, Boursin and Cranberry Sauce	4.95
Turkey, Ham & Swiss Cheese	4.95
Gourmet Veggie (Swiss, Havarti, & Boursin Cheeses, Lettuce, Tomatoes, Onions, & Sprouts)	3.95
Turkey, Stuffing & Cranberry	4.95
Ham, Genoa Salami & Provolone	4.95
Corned Beef & Pastrami	5.95

## CLUB SANDWICHES

Turkey, Roast Beef or Ham	4.95
---------------------------	------

*Your choice of one served with Crisp Bacon, Leaf Lettuce, and Tomatoes, Three High on Light Rye, Pumpernickle or Club Wheat.*



PROPOSED DELI 11/29/93  
208B MAIN ST ACTON MA  
BY METROPOLITAN DELI  
WESTFORD MA  
SCALE 1/2" = 1' FOOT

**TOWN OF ACTON**  
**Inter-Departmental Communication**

DATE: March 10, 1994

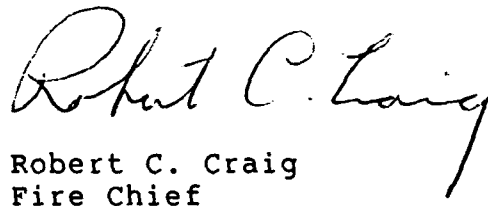
TO:  
FROM: Don P. Johnson, Town Manager  
SUBJECT: Fire Chief  
SPECIAL USE PERMIT #1/12/93-342  
METROPOLITAN DELI, 208B MAIN STREET

Don:

Upon review of the above named plan, I would offer the following comments. The entire structure that this store would be located in is presently protected by automatic sprinklers however the sprinkler system is not connected to the Fire department by a master fire alarm box. I would require that such a connection be approved and installed to meet the requirements of this department.

In addition, the deli itself would be required to have a local alarm system consisting of pull stations and audible horn lights connected into the building fire alarm panel which would be connected to the fire alarm box for the complex.

Adequate fire alarm zoning and a lock box for the complex would also be required.

  
Robert C. Craig  
Fire Chief

cc: Garry Rhodes,  
Building Commissioner





**TOWN OF ACTON  
NOTICE OF HEARING**

3/15/94  
⑤

The Board of Selectmen of Acton will hold a public hearing on Tuesday, March 15, 1994 at 8:15 P.M. in the Selectmen's Hearing Room, Town Hall on the application of Costa Donuts Two, Inc., under Section 10.3 of the Zoning Bylaw for approval of a Special Use Permit for a Restaurant at 295-307 Main Street, Acton.

The application and accompanying plans may be inspected at the Town Hall during normal business hours.

F. DORE' HUNTER  
ANNE B. FANTON  
WILLIAM MULLIN  
NORMAN D. LAKE  
NANCY E. TAVERNIER

BOARD OF SELECTMEN

**TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION**

DATE: March 8, 1994

TO: Board of Selectmen  
FROM: Garry A. Rhodes, Building Commissioner  
SUBJECT: Costa Donuts Two, Special Use Permit #1/14/94-343  
295-307 Main Street

The site is zoned Kelley's Corner Business District. A restaurant USE is permitted by Special Permit from the Board of Selectmen.

The applicant does not propose to do any changes to the external of the building. They will be occupying the area currently occupied by Honey Farms. The site parking appears to comply with the zoning bylaw for the new use.

There will be an increase in traffic flow because of the change of USE. I have consulted with the Town Planner and we feel that with the limited scope of this permit it would be excessive to require a traffic study at this time. The owner is aware that in the future with further changes to the occupants a traffic study with appropriate traffic mitigation will be necessary.

The only other staff concerns are health related. It will be necessary for the applicant to obtain all required Board of Health permits.

I have enclosed all staff comments for your review.

G-AT-12. 12.

TOWN OF ACTON  
INTER-DEPARTMENTAL COMMUNICATION

DATE: 2/2/94

TO: Don P. Johson, Town Manager  
FROM: David F. Abbt, Engineering Administrator  
SUBJECT: Special Use Permit 1/12/94-343  
Costa Donuts Two, 299 Main Street

D. A.

I have reviewed the subject application for a special permit for a Dunkin Donuts restaurant and have no comments. The proposal involves no exterior changes to the site and in my opinion the existing parking should be adequate for the use, especially considering that the peak use for this site will probably not coincide with adjacent businesses.

.94\*144

INTER-DEPARTMENTAL COMMUNICATION

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TO: Don Johnson  
FROM: Rose Erdozaincy, Health Agent *RE*  
DATE: March 1, 1994  
RE: Special Use Permit # 1/14/93-343  
Costa Donuts Two, Inc.

The Health Department has reviewed the Special Use Permit Application submitted by Mr. Costa. The applicant is in the process of complying with the requirements of the State Sanitary Code for Food Facilities. The applicant will be required to obtain all relevant permits from this Department prior to the commencement of any structural modifications. At this point in time we have no outstanding concerns with regards to this proposal. However, this Department reserves the right to impose additional requirements as more information is obtained and the project develops.

If the proposed facility operates within its self-described scope of activity, there should be sufficient capacity for the existing septic system to accommodate this venture.

INTERDEPARTMENTAL COMMUNICATION

TO: Don P. Johnson, Town Manager      DATE: January 27, 1994  
FROM: Roland Bartl, AICP, Town Planner *R.B.*  
SUBJECT: Special Use Permit #1/14/94-343, COSTA DONUTS TWO

---

This is certainly not the kind of major redevelopment that we expect will happen sooner or later at this location. The proposed donut shop, a fast food restaurant, is to replace the existing convenience store.

From a planning perspective the proposed use change raises one important question: will there be any changes in traffic due to the use change? The "ITE Manual", which provides trip generation rates for many different land uses, shows that the traffic impacts for convenience stores and fast food restaurants are similar in terms of all day volumes, but peak hour trip generations are for the most part higher in the case of a fast food restaurant (see table on page 2). However, the hours of the day in which a convenience store generates peak vehicle trip numbers are different from the peak hours of a fast food restaurant. Because the generator peak hours are different, the adjacent street traffic is impacted differently.

It is therefore difficult to determine the traffic impact without some study of the locus itself. Such a study should establish the specific weekday and Saturday peak hours of the proposed use and should evaluate the operations at two site driveways during those peak hours.

xc: Garry Rhodes

[RHB.IDC.93\*2]

	Convenience Store	Fast Food Rest.
Average weekday daily trips/1000sq.ft.	738	<u>786</u>
Average weekday trips/1000sq.ft. - AM peak hour of adjacent street traffic (7-9 AM)	65	38
Average weekday trips/1000sq.ft. - PM peak hour of adjacent street traffic (4-6 PM)	54	42
Average weekday trips/1000sq.ft. - at generator peak hour(12noon -1 PM)		<u>107</u>
Average weekday trips/1000sq.ft. - at AM generator peak hour(7-9 AM)	65	
Average weekday trips/1000sq.ft. - at PM generator peak hour(4-6 PM)	53	
<hr/>		
Average Saturday trips/1000sq.ft.	863	823
Average Saturday trips/1000sq.ft. - at generator peak hour	64	<u>110</u>
<hr/>		
Average Sunday trips/1000sq.ft.	758	693
Average Sunday trips/1000sq.ft. - at generator peak hour	65	<u>127</u>

(underlined where trip generation of fast food rest. is higher)

Town of Acton

Application for a Special Permit

To The

Board of Selectmen

Please type or print your application.

Indicate the special permit/s requested. The fee for a Special Permit is \$250 unless otherwise noted.

Recreation	Nursing Home	Restaurant
Hotel, Inn or Motel	Combined Business & Dwelling	Lodge or Club
Veterinary Care	Commercial Kennel	Commercial Recreation
Commercial & Trade School	Amusement Facility	Freestanding Sign
Warehouse	Mini-Warehouse	Heating Fuel Sales/Service
Light Manufacturing	Scientific Research/Development/Production	
Reduced Parking Fee = \$100	Drive-Up Bank Fee = \$1000	Service Station Fee = \$1000

If this application is made concurrently with a site plan application, then the fee will be \$100 in all cases.

**APPLICANT**

**Name & Address**

Costa Donuts Two, Inc.  
100 Powdermill Road  
Acton, MA 01720  
Telephone

**SITE**

**Location and Street Address of the Property**

295-307 Main Street  
Acton, MA 01720

**Tax Map & Parcel Number** F30 089 000

**OWNER**

**Name & Address**

Acton Ventures I Limited Partnership  
333 Newbury Street  
Boston, MA 02115

**Area of Lot** ac.135,301 sq. ft. **Zoning District** Kelley's Corner

If any other permits or site plans have been  
granted for the property, give the file numbers:

**Telephone**

(617) 247-3434

Twelve (12) completed copies of this application and supporting materials including plan sheets, if any, are required at the time of submission. A certified abutters list taken from the most recent town tax list and certified by the Town Assessor must be included with this application. At a minimum, a 1"=1200' location map must be provided with each copy of the application showing the subject site in relation to other lots, roads, and natural features. Sufficient supporting information must be provided to fully explain the purpose and plans of the applicant -- attach additional sheets and plans as necessary. The Board may require additional information as it deems necessary. Each copy of any plan sheets shall be folded so that it will fit neatly into a letter sized file folder.



Two copies of this application and any supporting material shall be submitted to the Town Clerk who will certify the date and time of filing on both copies, keep one of the copies, and return the other to the applicant. The copy returned by the Clerk and the remaining 10 copies shall then be filed forthwith by the applicant with the office of the Board. No additional information will be accepted after the filing of the application except at the public hearing.

A fee, in the form of a check made out to the "Town of Acton", will also be required at the time of filing with the Board.

The Board may grant the Special Permits listed below under the Zoning Bylaw following a public hearing. The applicant shall publish and mail notices of the public in accordance with state law. *Failure to properly publish and mail notices of the public hearing will render the permit invalid.*

Contact the Office of the Board or the Planning Dept. with any questions concerning the application. The applicant is hereby strongly advised to contact the Planning Dept. prior to the filing of any application for a special permit.

---

The undersigned hereby petition the Board of Selectmen for a public hearing and the Special Permit/s indicated above under the Zoning Bylaw.

The undersigned hereby certify that the information on this application and any supporting material submitted herewith is correct, and that all applicable provisions of statutes, regulations, and bylaws will be complied with.

The above is subscribed to and executed by the undersigned under the penalties of perjury in accordance with Section 1-A of Chapter 268, General Laws of the Commonwealth of Massachusetts.

Costa Donuts Two, Inc.

By its Attorneys, D'Agostine, Levine & Gordon, P.C.

1/13/94

By: 

Date

F. Alex Parra

Signature of Applicant

268 Main St.

Acton, MA 01720

#### OWNERS'S KNOWLEDGE AND CONSENT

I hereby assert that I have knowledge of and give my consent to the application presented above.

Acton Ventures I Limited Partnership

By: 

Date

Steven Samuels

Signature of Owner

D'AGOSTINE, LEVINE & GORDON, P.C.

ATTORNEYS AT LAW

268 MAIN STREET

ACTON, MASSACHUSETTS 01720-2223

508-263-7777

FAX 508-264-4868

JULIAN J. D'AGOSTINE

LOUIS N. LEVINE

STANLEY L. GORDON

F. ALEX PARRA

CATHY S. NETBURN

BOSTON OFFICE:  
ONE BOSTON PLACE

CABLE "DALYN"

January 13, 1994

HAND DELIVERED

Acton Board of Selectmen  
c/o Town Clerk  
Town Hall  
Acton, MA 01720

RE: Application for Special Permit for a restaurant (Dunkin' Donuts) at 295-307 Main Street, Acton, MA

Dear Sir/Madam:

In connection with the above-entitled matter, enclosed please find original and 12 completed copies of the following:

1. Application for Special Permit to the Board of Selectmen;
2. Certified abutters list from the most recent town tax list certified by the Town Assessors;
3. Plan entitled "Dunkin Donuts Acton, MA, Preliminary Layout"; and
4. Locus plan entitled "Plan of Land in Acton, Massachusetts, Owned by Acton Ventures I Limited Partnership, Dated December 27, 1988, revised September 23, 1991, By: American Surveying Company".

Also enclosed is a check in the amount of \$250.00 made payable to Town of Acton representing the filing fee for the foregoing.

The applicant proposes to open a Dunkin' Donuts Restaurant at the Acton Plaza in the location of the Honeyfarms store. No application for site plan approval is being hereby made as no exterior changes to the parking areas or otherwise are intended.

The applicant respectfully requests, therefore, that the Board grant a special permit for a restaurant use pursuant to Section 3.5.4 and 10.3 of the Zoning Bylaw so as to authorize the use of said premises for a Dunkin' Donuts Restaurant at the subject premises.

If you require any further information, please do not hesitate to contact this office.

Very truly yours,

D'AGOSTINE, LEVINE & GORDON, P.C.

By: 

F. Alex Parra

FAP/ams

s:\letter\actonsel.wp

Enclosures

cc: Danny Costa

---

**ABUTTERS LIST**

LOCUS: F30 089 000 295-307 MAIN STREET  
F30 097 000 403 MASSACHUSETTS AVENUE

<u>MAP &amp; PLOT</u>	<u>OWNER</u>	<u>MAILING ADDRESS</u>
F30 095 000	Exxon Corp.	P.O. Box 53, Houston, TX 77001
108	Boston Federal Savings c/o Building #17	N.E. Executive Park, Burlington 01803
114	Boston Federal Savings	
097 001	Acton Ventures II c/o Steven Samuels	333 Newbury Street, Boston 02115
098	Acton Ventures II	
115	Acton Ventures II	
099 003	Acton Crossroads, Inc.	321 Main Street, Acton 01720
081	Joseph Stuart	Mountain View, Boxboro 01719
089 001	Acton Crossroads, Inc.	
082	Acton Crossroads, Inc.	
074	Town of Acton	472 Main Street, Acton 01720

September 17, 1993

Abutters and owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet of the property line all as they appear on the most recent applicable tax list.

HEARING NOTICES FOR ALL SPECIAL PERMITS MUST BE SENT TO THE  
PLANNING BOARD, TOWN HALL IN THE FOLLOWING TOWNS:

Boxborough, MA 01719  
Carlisle, MA 01741  
Concord, MA 01742  
Littleton, MA 01460  
Maynard, MA 01754  
Stow, MA 01775  
Sudbury, MA 01776  
Westford, MA 01886

Sincerely,

  
Betsy J. Jackson  
Administrative Clerk





**TOWN OF ACTON**

**Inter-Departmental Communication**

DATE: March 10, 1994

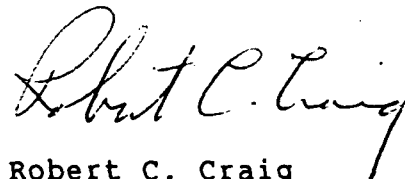
TO:  
FROM: Don P. Johnson, Town Manager  
SUBJECT: Fire Chief  
SPECIAL USE PERMIT #1/14/93-343  
COSTA DONUTS TWO, 295-307 MAIN STREET

Don:

Upon review of the above named plan, I would offer the following comments. The entire structure that this store would be located in is presently protected by automatic sprinklers however the sprinkler system is not connected to the Fire department by a master fire alarm box. I would require that such a connection be approved and installed to meet the requirements of this department.

In addition, the donut shop itself would be required to have a local alarm system consisting of pull stations and audible horn lights connected into the building fire alarm panel which would be connected to the fire alarm box for the complex.

Adequate fire alarm zoning and a lock box for the complex would also be required.

  
Robert C. Craig  
Fire Chief

cc: Garry Rhodes,  
Building Commissioner

TOWN OF ACTON  
NOTICE OF PUBLIC MEETING

3/15/94

(6)

The Recreation Commission will be presenting proposed plans in conjunction with the development of the North Acton Recreation Area, located off of Quarry Road to the Board of Selectmen on Tuesday, March 15, 1994 at 8:30 P.M. in the Selectmen's Hearing Room, Town Hall. The Public is invited to attend this presentation.

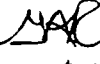
Materials and plans may be inspected in the Engineering Department, at Town Hall during normal business hours.

F. DORE' HUNTER  
ANNE B. FANTON  
WILLIAM MULLIN  
NORMAN D. LAKE  
NANCY E. TAVERNIER

BOARD OF SELECTMEN

**TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION**

DATE: March 8, 1994

TO: Board of Selectmen  
FROM: Garry A. Rhodes, Building Commissioner   
SUBJECT: North Acton Recreation Area Public Comment meeting

The site is located in the Agriculture Recreation Conservation zoning district. It is also located in zone 3 of the Groundwater Protection District. The Municipal/ Recreation use is permitted in this zoning district. The use is also allowed within the Groundwater Protection District. There was a variance from the Board of Appeals for a decrease in the minimum distance to the groundwater. This was necessary to create the pond however, the permit has since lapsed and will need to be reapplied for at the appropriate time.

All other necessary State and Federal permits have been obtained to construct the recreation area with the exception of the septage disposal permit for the bath house. This permit must be obtained from the Board of Health.

There is a general staff consensus that the quality of the pond water may be suspect. The Pine & Swallow report suggest that the pond will function at only marginal levels. It will be necessary to monitor quality of water during operation particularly during low water. The Board of Health suggest that it is very possible to elevate the quality of water by installing a bedrock well to replenish the water during periods of drought. The Board should be aware that in worst case, the pond may only be used for boating, fishing, ice skating and similar activities.

There is a difference of opinion regarding the circulation through the site. It has been suggested to use one-way traffic circulation as well as limiting the access to the site to one entrance for security purposes. This issue should be reviewed, as our Town Planner has suggested, by the Town's traffic engineer after the Town has committed to the project. It will be necessary to decide how the recreation area will be run to resolve this issue.

There is a genuine concern about liability. It may be appropriate to ask Town Counsel about creating a man-made pond. They could also advise us benefit of fencing the site.

It is unknown what impact if any the new pond will have on Rex Lumber. Rex Lumber has drying sheds adjacent to the site. We have asked for any documentation that they may have to support their concern. Municipal Properties has raised several operational concerns. It may be premature to be overly concerned about operations until such time as the project is further developed.

I have asked the Recreation Commission to discuss possible funding for this project. It appears that there is gravel on site that may be sold to partially fund the construction. The Town presently uses gravel from this site for it's own construction. The Town must decide how much gravel it wishes to sell and how much gravel it wants to preserve for the future. When the gravel is gone the Town will have to purchase it from other sources.



INTERDEPARTMENTAL COMMUNICATION

TO: Garry Rhodes, Building Commissioner DATE: March 2, 1994  
FROM: Roland Bartl, AICP, Town Planner *RB*  
SUBJECT: NARA Site Public Review

---

The plan has not changed significantly from my last review memo of October last year. The following essentially repeats the comments made then:

**Trip Generation:**

There was the question of how many cars could be expected to go in and out of this facility. The ITE Trip Generation manual does not have a listing for municipal recreation areas and there is nothing listed with reliable numbers that is closely related to this type of land use.

**Circulation:**

There has been a discussion about the possibility of one-way traffic circulation through the facility. One way circulation may result in a more orderly and predictable traffic pattern within the facility where children may be walking and playing unsupervised. The Planning Board, after review of the preliminary plan last October, feels that a one way pattern - in from Quarry Road, out through Ledge Rock Way - would be the best given the current intersection configuration. I would recommend that Vanasse Hangen Brustlin be given an opportunity to review the plans and to comment on the proposed layout and circulation pattern, including the one-way option.

In addition, I note that a proposed 10-11 lot development on the other side of Quarry Road is in the very early design stages. It may or may not go forward. However, if it goes forward it will be an opportunity to upgrade Quarry Road from a gravel road to a paved road with curbing and improved drainage.

xc: Town Manager  
Engineering Adm.  
Planning Board

[RHB.IDC.94\*14]

INTER-DEPARTMENTAL COMMUNICATION

RECEIVED  
MAR 4, 1994

BUILDING INSPECTOR

March 4, 1994

TO: Garry Rhodes, Building Commissioner  
FROM: Doug Halley, Health Director  
SUBJECT: North Acton Recreational Facility

The Health Department has reviewed the proposed plan for the Acton Recreational Facility and has the following comments:

1. The proposed leaching field will be down gradient from the proposed pond and should not contribute to any potential degradation of the pond. However this area has not been tested for soil suitability and a definitive design has not been submitted.
2. Trash control for the entire site must be addressed. Dumpster locations must be examined and the design must take into account enclosures for each dumpster.
3. Permits will be required to operate the pond. Planning must take into account the need for lifeguards and safety equipment.
4. It is unclear if the pond can be supported during drought conditions, in regards to water quality or water quantity. Consideration should be given to a back up water source. An on site bedrock well could be utilized to replenish the well without impacting the surficial water supply sources.
5. Future Development of Quarry Road and its impact on the pond should also be addressed.
6. Will this pond be utilized all four seasons?
7. The site has very little restrictions in regards to site access. Will any additional access limitations be considered.

**TOWN OF ACTON**  
**INTERDEPARTMENTAL COMMUNICATION**

February 8, 1994

**TO:** Don P. Johnson, Town Manager  
**FROM:** Dean A. Charter, Municipal Properties Director *DAC*  
**SUBJECT:** NARA Site Plan review

Rather than rewrite the comments that I have made earlier, I am submitting to you my memos of 10/28/93, 11/19/90, and 8/24/90, dealing with the proposed development of the NARA site, all of which have been sent to the proponent, and none of which have been responded to as of yet. Until the issues raised in these memos have been addressed, I am very strongly opposed to this project proceeding as a Town facility.

In addition to the points raised in my earlier correspondence, I suggest that we have the Hydrogeologist revisit his earlier calculations regarding water supply and flushing rates. I raise this issue in response to my observation that Nashoba Brook ran virtually dry last August during the drought, and I question what effect this might have on water quality at NARA under a similar climatological situation.

Attach.:

Memos of 10/28/93, 11/19/90, 8/24/90

cc.:

Building Comm.  
Engin. Admin.  
Rec. Comm.  
Comm. Ed.

DAC/90/14

**TOWN OF ACTON**  
**INTERDEPARTMENTAL COMMUNICATION**

October 28, 1993

**TO:** Garry Rhodes, Bruce Stamski  
**FROM:** Dean A. Charter, Municipal Properties Director  
**SUBJECT:** Preliminary Review, Ledgerrock Pond (NARA)

I have reviewed the preliminary plans recently submitted for the above noted development.

Certainly the landscaping plans can be modified to comply with the requirements placed upon the project by COE and DEP, and I would be happy to assist in those plans at the appropriate time.

I feel very strongly that this is not the appropriate time to put any more effort into this project from a design point of view until some very fundamental operational issues are resolved. Specifically, my memos of 8/24/90 and 11/19/90 (attached) have never been responded to. To the best of my knowledge the operational, control, and financial issues surrounding actually running the proposed facility have never been seriously considered. In light of the Town's financial climate, I do not see how we can even talk about this project until a really convincing argument is made proving that the entire facility can be run with user fees.

Considering that the State has had great success in privatizing the DEM skating rinks, I suggest that the Recreation Commission consider private management of the pond. In that way, the Town would be removed from the very real possibility of financial loss, and this would be in keeping with the current attitude of having government do less, rather than more. It should be noted here that we have been forced to cut back on maintenance of traditional recreation facilities over the last few years, and we have actively debated assessing user fees to the leagues to underwrite operating costs. In fact, the soccer league is donating around \$5000.00 per year for maintenance, including fertilizer, field markings, and mowing expenses. The one part of the plan that I feel is feasible would be the construction of the soccer field and northerly parking area. Most likely the soccer league would be willing to absorb the cost of hiring a contractor to maintain the field (mowing costs this year are between \$50-\$75 per acre per week using our contractor). This would also be a good place to use the \$10,000 donation we will be getting from Northwest Structures for a soccer field.

I am sure that this memo must seem very negative, especially in light of all the work the Recreation Commission and others have put into the project thus far, but at the present time I cannot support going ahead with this project.

DAC/345

**TOWN OF ACTON**  
**INTER-DEPARTMENTAL COMMUNICATION**

November 19, 1990

**TO:** John Murray, Assistant Town Manager  
**FROM:** Dean A. Charter, Municipal Properties Director  
**SUBJECT:** Review of North Acton Recreation Area R.F.P.

\*\*\*\*\*

Pursuant to your request I have reviewed the R.F.P. for the above noted project for compliance with Chapter 30B. Generally speaking, I feel that the document itself complies with the law, although a review by town counsel might be in order just to be on the safe side. Under the new law, there is a very specific procedure that must be followed for the review of the submittals. Briefly, the proposal must be submitted and reviewed as a separate package, and by a separate review board from the price information. Each proposal must be rated as highly advantageous, or not advantageous. The price information is then opened up and the project is awarded to that vendor that has the highest rating and the best price.

The larger issue for me in this proposed project are the huge operational and management issues that have not been addressed by the Recreation Commission. I am very much opposed to this project going out for proposals until the following issues have been resolved:

1. Who will maintain the facility?
2. Who will operate the facility, Municipal Properties, or Community Education?
3. How is the operation to be funded? (I estimate that the facility will cost in the neighborhood of \$100,000 per year to operate.
4. Has year round use of the facility been contemplated?
5. Who will supervise construction?
6. What do we do if the water quality degrades a few year after construction?
7. What other governmental function will be eliminated to allow for the operation of this new facility?

All these questions have been raised by both myself and the Recreation Director at several times in the past, most recently in my project review memo of August 24, 1990. Answers have not been forthcoming, in large part due to the fact that the Recreation Commission does not have authority to decide these issues. At the very least, a decision on these issues should be reached by the Selectmen, with the Town Meeting vote probably the wiser route to follow. Until these very fundamental issues are resolved, it is very foolhardy to proceed any further.

DAC:ahm  
647

**TOWN OF ACTON**  
**INTER-DEPARTMENTAL COMMUNICATION**

August 24, 1990

**TO:** Garry Rhodes, Building Commissioner  
**FROM:** Dean A. Charter, Municipal Properties Director  
**SUBJECT:** N.A.R.A. Preliminary Review

I have been very involved in the design process for the above noted site, and very likely this Department will administer the completed facility. Therefore, the comments noted below will include questions on operational issues that normally would not be addressed in a site plan review.

1. **LANDSCAPING** - As you know, I drew the landscape plan at the request of the Recreation Commission. To the best of my knowledge, the plan is in compliance with the new landscaping standards. If the development of the site is to be phased, I feel that the landscaping can also be phased.

The areas to be planted in "slope mix" will not be mowed, and will be allowed to naturalize with either herbaceous or woody plants. Those areas that will be maintained as a meadow will be brush-hogged annually, with other areas allowed to grow up into woods.

Great care will have to be taken to assure that only minimal amounts of fertilizer will be used in the athletic turf areas, so as not to degrade water quality in the pond. This will effect the intensity of the use of those areas, a fact that will be of interest to the various atheltic leagues.

2. **OFF-SITE ISSUES** - I am very concerned that future development in the area (ie: North Acton Woods) could degrade the water quality. Research into this potential impact should be done before actual construction of either N.A.R.A. or North Acton Woods is begun.
3. **OPERATIONAL ISSUES** - It is assumed that maintenance of this facility is to be a function of the Municipal Properties Department. There has not yet been a decision made if the operation; lifeguards, gate keepers, etc. will be under Municipal Properties or Community Education. No further action should be taken on this project until this very fundamental issue is resolved. Neither entity has sufficient staff presently to accept this additional responsibility without dropping a great deal of our present work load. Development of this swim area could also seriously impact the financial viability of the high school pool.

Regardless of which or department or departments operate and maintain this facility, it should be assumed that the staff and operations costs will be in excess of \$100,000 per summer season, with the cost increasing if it is used year-round, all of which will have to come from user fees or a dedicated operations override vote. At present this Department is slipping far behind in our traditional tasks due to the recent budget cuts.

Considering the size and cost of the facility, I think that year round use should be planned for. This use will probably include: Spring and fall athletics, year round picnics, warm season concerts, swimming, ice skating, cross-country skiing, jogging, basketball, tennis, etc. The bathhouse should be designed to support these year round operations.

4. CONSTRUCTION SUPERVISION - Some decision should be reached as to what department will be in charge of construction supervision. If there is any interest from contractors in this project. The amount of staff time dedicated to this task will probably be considerable, and will seriously impact the functions of the department given the task.
5. WATER QUALITY - Contingency plans should be made on how to deal with water quality - algae growth, weed intrusion, pollen and leaf surface cover, pollution due to human or wildlife (Canadian Goose) overuse of the area. This might involve chemical treatments, filtration, aeration, or the introduction of well water to the pond. Probably the problem, if any, will not show up for the first few years, but there is a potential problem in the years to come as the pond stabilizes.

This is a very exciting project, and there seems to be great popular support. However, there are some very basic issues that have to be resolved, and the potential financial impacts are considerable.

DAC:ahm  
576

TOWN OF ACTON  
INTER-DEPARTMENTAL COMMUNICATION

DATE: 3/4/94

TO: Don P. Johnson, Town Manager  
FROM: David F. Abbt, Engineering Administrator *D. Abbt*  
SUBJECT: SITE PLAN REVIEW  
NORTH ACTON RECREATION AREA

The Engineering Department has played a supporting role in the development of this project since its inception in 1987. The plans currently being reviewed were prepared by Bruce Stamski, P.E. as chairman of the Acton Recreation Commission, with some input and assistance from this department. They are based on the concept studied in the Pine & Swallow Report (1989). To date, these plans have received a local wetland Order of Conditions, a DEP Water Quality Certificate and a Department of the Army Permit. We have also obtained a Certificate of the Secretary of Environmental Affairs on the Environmental Notification Form. An "in house" site plan review is, therefore, the last step before seeking Town Meeting approval of construction funding.

The plans show the proposed pond and the basic grading and stabilization of the site, including wetland replication. This is Phase One of the project. Phase Two of the project is the design and construction of the actual facilities such as the bath house, band stand, tennis courts, parking lots, etc. These facilities are shown only in a general way on the Phase One plans. Altogether this has been a six and one-half year effort.

With this in mind, I have the following comments concerning some of the issues involved with this project:

Circulation

Currently the plans show three site access drives, two on Quarry Road and one from Ledgerock Way. The original concept was to have a single two way access drive from Ledgerock Way and an emergency, secondary access to Quarry Road at the north end of the site. This was changed as the result of the Master Plan (1991) concept of the future development of a "North Acton Village", essentially to provide improved circulation for the village, not the recreation area. Whatever the merits of this may be, as a practical matter the recreation area should have a single principal two-way access drive for security reasons. Use of the site will be by permit or fee and the access to the site will have to be under the supervision of an attendant (much as the access to the Transfer Station is now). More than one access drive would mean additional attendants, even if the circulation is one-way (what's to prevent someone from driving in the wrong way?).

Sidewalks

The design includes a sidewalk connection to Ledgerock Way. Beyond this a sidewalk should be constructed on Main Street all the way to Post Office Square. This will provide pedestrian access to the site from the existing sidewalk network and major population centers, even if most people are not inclined to walk that far.



### Security

In addition to the single access drive, the site will probably need to be fenced to control unauthorized entry and vandalism. This will probably mean a chain link fence will have to be added to the Phase Two design.

### Liability

The Town should probably have Town Counsel comment on the liability of creating and operating a man-made pond. At the very least, the issue of insurance should be investigated.

### Traffic

We anticipate that most of the use of this site will occur at off-peak times and that the site itself will not generate a peak. The heaviest use will probably be Sunday afternoon.

### Parking

The plans for Phase One show 99 proposed spaces for the pond area and 80 spaces for the play fields north of the pond. The detail design of the parking lots is part of the Phase Two development. However, the storm drainage system will comply with the requirements for a system in a Groundwater Zone 3.

### Season

The swim pond will probably be operated for approximately 10 weeks, from the end of June to Labor Day (the school summer vacation). This is the period that lifeguards would be available for employment. At other times, access to the site would need to be limited to control vandalism.

### Capacity

From the above it is estimated the site will have a capacity of 300-400 people.

### Water Quality

This is the most important issue of all. The Pine & Swallow Report (1989) addresses this issue. This report is probably overly optimistic and some skepticism should be used when reading it. For instance, a flushing rate of four times a year basically means swimming in the same water all summer, since most of the flushing will occur during the wetter times of the year. A pond depth of 12 feet sounds good, but in the summer its only 8 feet. In my opinion, this is not sufficient water volume or flushing for the amount of use anticipated. A depth of say 20 feet and flushing rate of once every 24 hours all summer long would be ideal.

### Abutter's Concerns

Some area residents have expressed concern for their water supply wells, especially those downgradient of the pond. Pine & Swallow seem to have adequately addressed this issue in their report (see pages 30-32). One of the unanswered concerns however, is the potential effect the site will have on the Rex Lumber wood drying operation. The increase humidity from the pond could possibly retard the drying time. Rex has been unable to find an expert that could quantify this effect and we can only hope it does not prove to be a major factor once the pond is excavated.

### Board of Appeals (Hearing 91-16)

At the start of the permitting process for this project, a variance from section 4.3.5.1 & 2 of the Zoning Bylaw was obtained. This related to the reduction in the depth to groundwater (excavation) allowed in an aquifer zone. Due to the length of the permitting process, this variance has now expired and will have to be renewed for the project to proceed.

**TOWN OF ACTON**  
**INTER-DEPARTMENTAL COMMUNICATION**

March 7, 1994

**TO:** Garry Rhodes, Building Commissioner  
**FROM:** Tom Tidman, Conservation Administrator *T.T.*  
**SUBJECT:** N.A.R.A.

Conservation has been an advocate of this project through the entire approval process. The proposed pond required a filing with the Department of Environmental Protection, Wetlands Division and the Acton Conservation Commission, for work in a wetlands. Approval has been obtained from each agency and has been issued D.E.P. File No. 85-323. In addition, an Army Corp of Engineers permit was required and approval has been granted. The Division of Fisheries and Wildlife has also given its approval.

A community based recreation facility including a swimming area would be a wonderful addition to Acton's limited recreational opportunities. A natural connection with the Town Forest and Wills Hole Conservation Area exists, and would create a conservation/recreation area of well over 100 acres with many trail possibilities.

**TOWN OF ACTON**

**Inter-Departmental Communication**

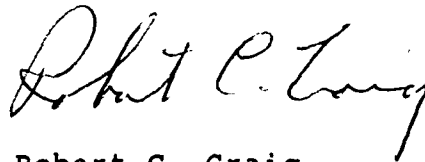
DATE: March 10, 1994

TO:  
FROM: Don P. Johnson, Town Manager  
Fire Chief  
SUBJECT: NARA SITE PUBLIC REVIEW - Quarry Road

Don:

I have reviewed the above named plan and have conceptually no problems with it. My only comments would be relative to the need for adequate extension of the municipal fire alarm system to protect any buildings on the site as well as to provide for any emergency medical boxes.

In addition, there may be some need to extend the water main for any hydrant protection that may be necessary.



Robert C. Craig  
Fire Chief

cc: Garry Rhodes,  
Building Commissioner

ARTICLE 28.

constructed by the Town of Acton, or to take any other action relative thereto.

To see if the District will vote to amend the By-Laws by adding Section XVIII to read as follows, or to take any other action relative thereto:

Section One:

By-Law to reduce local daily and seasonal peak water use.

Section Two:

The purpose of this By-Law is to implement a number of water efficiency and conservation measures and by so doing provide significant reductions in overall demand in the District's service area. The goal is to achieve maximum water efficiency in the local public water system, domestic and non-domestic users. The overall objectives are:

- (a) To make water conservation a priority in all water related decision making at the local level.
- (b) To reduce or eliminate the waste of water through appropriate water supply management practices.
- (c) To promote conservation of all water resources by all consumers through the introduction of technology, methods and procedures designed to increase the efficient use of water.
- (d) To encourage innovations in technology, policy and management.
- (e) To maximize the efficient use of existing supplies prior to allocating additional resources.
- (f) To promote public awareness of the long term economic and environmental benefits of conserving water by implementing practical measures within the District's service area.
- (g) To monitor consumption and facilitate accurate annual billing of users and collection of water rates.

Section Three:

Definition:

For the purpose of this By-Law: Enforcement authority shall mean the District's Board of Water Commissioners, or District Manager, having responsibility for the operation and maintenance of the water supply; the Town police, special police and other locally designated bodies having police powers.

#### Section Four:

- (a) The following shall apply to all users of water supplied by the District. Following appropriate notification by the District of the necessity to impose water restrictions, including but not limited to, regulating the outside use of water for any purpose, the Commissioner may impose restrictions by a majority vote of the Commissioners at a regular or special meeting of the Board. Notification of any restriction, requirement or condition to conserve water shall be sufficient for the purpose of this By-Law if it is published in a newspaper of general circulation within the Town of Acton, or by such other notice as is reasonably calculated to reach and inform users of the District's supply.

Upon notification to the water takers, violators shall be subject to lawful order of the Commissioners, including but not limited to, shutting off the water meter or at the curb cock, or by other means as the case may be, during drought, hurricane, conflagration or other disaster which in the opinion of the Commissioners' may exist.

#### Section Five:

##### Penalty:

Any person or entity who violates this By-Law, or order or notification, shall be liable to the District in the amount of \$300.00 which shall inure to the District for such use as the Commissioners may direct. Fines shall be recovered by indictment or upon complaint before the District Court or by non-criminal disposition in accordance with Section 21D of Chapter 40 of the General Laws, as amended. Each separate instance of non-compliance following issuance of a warning or citation pursuant to this section shall constitute a separate violation.

#### Section Six:

##### Permanent Orders of the Commissioners:

Unless discontinued, or modified, in whole or in part, the following orders shall be considered in effect as of March 16, 1994:

- (a) Outside use of water shall be restricted between May 1st and October 1st each year on such terms as the Commissioners may determine.
- (b) All final water bills requested by owners, purchasers, or others, serviced by the District shall require an inside meter reading to be made by the District's authorized personnel.

Section Seven:

Right of Entry:

Except as provided in Section 6(b), Agents of the enforcement authority may enter any property, except the interior of a domicile, for the purpose of inspecting or investigating any violation of the By-Law or enforcing against the same.

Section Eight:

Severability:

The invalidity of any portion or provision of this By-Law shall not invalidate any other portion, provision or section thereof.

And you are directed to serve this Warrant by posting copies attested by you in two or more public places in the Water Supply District, fourteen days at least before the time of said meeting, as authorized by Chapter 41, Section 199 of the General Laws.

Hereof fail not and make due returns of this Warrant with your doings thereon to the Water Commissioners on or before the time of holding said meeting.

Given under our hands this twenty-fourth day of January in the year one thousand nine hundred and ninety-four.

Leonard A. Phillips,  
Chairman  
Ronald R. Parenti  
Stephen C. Stuntz  
Water Commissioners

A true copy, ATTEST:

Anita E. Page,  
District Clerk

INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

3/15/94  
(9)

\*\*\*\*\*

DATE: 3/11/94

TO: Board of Selectmen

FROM: Christine Joyce, Town Manager's Office

SUBJECT: Jenks Fund Request Allocations

Below please find a summary of funding requests received in our office for 1994 Jenks Fund allocations. Please review and forward your recommendations on Allocations for action at your March 15th meeting.

The current balance available for expenditure is: \$1,767.48.

Description	Amount Requested	Recommended Allocation
ACTON MEMORIAL LIBRARY To fund 1994 Summer Reading Program	\$600.00	
DISCOVERY MUSEUMS To fund "Summer Intern/Teacher's Aid	\$600.00	
ACTON HOUSING AUTHORITY Summer Activities through Community Education classes	\$500.00	
ACTON CHILDREN'S PLAYGROUND Completion funds for the playground	\$1,000.00	
ADAPT TRAINING Alcohol and Drug Abuse Prevention Training for Coaches, Team Leaders, Athletes and Parents at Acton/Boxboro	\$350.00	

CYNTHIA DUROST  
Series of Art Workshops for  
visually talented young people

\$2,682.35

ACTON COMMUNITY CHORUS  
Joint Musical Ventrures with  
the Acton High School Chorus

any Available Funds

**Total requested:**

**\$5,732.35**



## JENKS FUND REQUESTS

The Acton Board of Selectmen is accepting requests for funding through the JENKS FUND for programs to benefit the youth of the Town of Acton.

The filing deadline is March 9, 1994 at 5:00 P.M. The Selectmen will act on these requests at their meeting of March 15, 1994.

Proposals may be sent to:

Christine M. Joyce  
Town Manager's Office  
472 Main Street  
Acton, MA 01720



## ACTON HOUSING AUTHORITY

Windsor Avenue  
P.O. Box 681  
Acton, Massachusetts 01720  
508/263-5339

February 24, 1994

Mr. Dore' Hunter  
Chairman, Acton Board of Selectmen  
Acton Town Hall  
472 Main Street  
Acton, Ma. 01720

Dear Mr. Hunter:

The Acton Housing Authority is submitting our request for funding from the Jenks Fund to provide for summer activities through the Acton/Boxboro Community Education Program for the children of the families who receive housing assistance in the community.

Last years favorable review by the Selectmen provided hours of positive experiences to these children. Of the one hundred and nine (109) families assisted there are one hundred and sixty two (162) children. Our request this year for five hundred (\$500) dollars would provide hours of positive reinforcement and opportunities which these children could not experience without your assistance.

I have enclosed a brief highlight of our '93 program and the number of children who benefited. Should you or other members of the Board of Selectmen have questions or if you would like to meet please feel free to contact me.

Thank you in advance for your positive consideration of our request.

Sincerely,

Naomi E. McManus  
Executive Director

Enc.

EDITORIAL

I-495 a burden on towns

When routes 495 and 128 were built, they changed the face of eastern Massachusetts forever. Small towns which once hosted mainly farms were transformed into bedroom communities for suburbanites who came and went via the highways.

The growth was anticipated. But one wonders whether these small towns knew when the highways opened they would also be providing fire, police and medical services to thousands of highway travelers.

In larger wealthy towns like Lexington, the resources are there to respond to the crackups on 128. But in smaller towns like Littleton, Boxborough, Bolton, Berlin, and Hudson, it's not as easy. There are few full-time staff members and equipment is limited. Volunteers often help out.

When a major tie-up occurred Feb. 3 in Boxborough, even the inner ring of towns away from Route 495 was called to assist, including Stow, Acton, Harvard and Concord. This combination of forces was sufficient, with limited state help, to deal with the colossal jam of trucks and cars.

It's questionable whether the state has done enough to relieve the burden these highways put on local emergency services. The emergency telephone system on I-495 never worked well and has apparently been abandoned. Understaffed state police rely heavily on locals during accidents.

Exit ramps — the site of many of the accidents which plague emergency services — seldom have traffic signals. Snow banks which block the view of drivers trying to use ramps aren't always lowered. And although there is state police presence on these highways, speeders are seldom stopped, particularly on Route 495. In bad weather, these speeders are the cause of the problem facing local towns. Truckers drive too fast, even in good weather.

We only hope that when decisions are made every year concerning local aid, that consideration is given to rewarding these highway towns. They have been given an important responsibility by the state to care for thousands of people who travel these great asphalt rivers and they deserve the money.

A board with a mission

Regardless of how you feel about the existence of tax-subsidized housing, you've got to admire the spirit of determination and mission at the Acton Housing Authority.

In a nonjudgmental, patient and charitable way, it has played a central role in helping a lot of old and young people with limited incomes find a place to live.

Its pursuit of additional federal funds for so-called Section 8 housing was of its own choosing. Despite being rebuffed several years ago (apparently by accident) they continued the fight and finally won. They could have rested on their laurels and avoided the huge work load they have just willingly taken on.

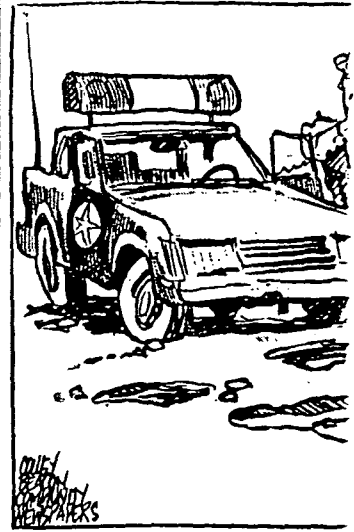
In conjunction with a broad range of other local agencies, executive director Betty McManus and the authority board have gone beyond what is required in both seeking and maintaining housing in other areas as well.

And the taxpayers' interests have not been forgotten here. A new program underway puts a time limit on the number of years people can live in low-income housing. In exchange for working their way out of public support, the recipients get a financial bonus when they leave.

There are other programs, again run cooperatively with other agencies, which both try to provide social services to recipients while helping them get resources needed to move on so someone with a greater need can move in.

There will always be a need for public housing, both for young families and for the elderly. And the Section 8 program is probably the best type because it places recipients in scattered sites in the community, and doesn't stigmatize them by concentrating them in one location.

Those who sit in judgment both of public housing and its recipients should remember there are many of us who are only a few paychecks away from being homeless. It is not a perfect program, but as they say, it is the right thing to do.



In good hands

Today, I tried to set my house on fire by loading my woodstove with too much kindling and letting it burn.

On a trip to the mailbox my attention was riveted to a solid black column of smoke exiting my chimney — I knew I was in trouble.

A quick call to the Acton Fire Department and I was soon in good hands. We have the nicest, most efficient fire department possible.

They were prompt, pleasant, considerate and not one of them told me how stupid I was!

Carol Mowry  
Acton

Restitution proposal

In the police report for Boxborough it was noted that on Monday, Feb. 7 an auto windshield was shattered by a beer bottle.

It appears that someone maliciously threw that bottle.

By this act you have not only destroyed a windshield which must be replaced, but you have caused more serious consequences. Now I cannot give as large a contribution to earthquake relief in Los Angeles or to Amnesty International (who free prisoners of conscience).

Please contact me so we can work out a mutually agreeable method of restitution. How about some fun farm work this spring and summer?

George C. Kruen II  
Boxborough

Opposes housing proposal

The April Town Meeting will vote on a warrant article donating a parcel of 10 acres of town-owned wooded land abutting the Maynard waste treatment plant to Corporation IAC.

Thoughts of spring and

HARBINGERS OF SPRING — If you've just about had enough of winter and are looking for signs of spring, look no further than the annual town meetings and elections which are shaping up even as we speak. Some dates to keep in mind: March 16, Acton Water District annual Town Meeting; March 29 elections, both Acton local and Water District; April 4, Acton annual Town Meeting.

Boxborough's annual Town Meeting is May 9, town elections will be May 16.

DO DRINK THE WATER — Water District manager John "Jack" MacLeod reports that he receives calls pretty regularly from people who have recently moved in town, "heard something" about the W.R. Grace company in connection with the town's water supply.

ment plant to Corporation IAC construction of it present at a meeting aware of local residents. I came this project must 1. The project: The Maynard waste treatment plant is the area for you head need these the plans. Building a substantial beautiful natural! 2. The project: Retained as worth over \$100 town cannot afford only 10 families the subsidized increased cost of taxes, e.g. child will remain until will permit year for everyone else. This year about 6.4 percent to make up the mental per capita values. Thus per capita: other per share. 3. The project: The low-cost build are not in need. It is an housing units!

WINDO

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Acton's former select

Under the Massachusetts General Laws, Chapter 121B, Section 3, Public Housing Authorities were created in 1969. The Town of Acton, at its Annual Town Meeting, March 30, 1970, approved the establishment of the Acton Housing Authority. The Authority is governed by a five (5) Member Board, with four members elected for five years and the fifth member appointed by the Governor, also for a five year term. The operation of the Authority is administered by the Executive Director and staff.

The Acton Housing Authority (AHA) has as its mission:

To ensure an adequate supply of safe and decent housing for low and moderate income individuals and families where they can live without substantial disturbance or interference by others and to provide such housing without discrimination as to race, sex, creed, religion, national origin or handicap.

In support of this mission and purpose, the AHA has the following responsibilities to the community:

- 1). To expand the supply of low income housing by effectively building and managing additional housing.
- 2). To take advantage of State and Federal programs to meet the low income housing needs of the community.
- 3). To serve as a source of information, an advocate and a conscience regarding housing and housing needs.
- 4). To advocate for and assist the tenants/residents of the AHA in achieving their independence.
- 5). To educate the community and the public concerning housing needs and issues and the role of the AHA in addressing them.

#### AHA'S HOUSING PROGRAMS:

- 1). Two Rental Assistance Programs:  
State Massachusetts Voucher Program 33 Certificates.  
Federal Section 8 Certificate Program 19 Certificates.  
15 additional Section 8 Certificates from other housing Authorities.
- 2). In 1980 Acton developed a Pilot Program for the purchase of condominiums for family housing. Currently own 27 units in 9 condo associations.
- 3). Conventional Elderly Housing 91 units under Chapter 567 at two sites.
- 4). Conventional Family Housing under Chapter 705 six (6) duplexes + the 27 condos=39 units for families.
- 5). Developed Handicapped Housing for 12 clients under the Chapter 689 Program known as Elliot House.
- 6). Developed a Pilot Single Room Occupancy (SRO) Program currently housing up to eight handicapped clients in the community.
- 7). Instrumental in the development of Acton Community Housing Corporation- a non-profit corporation designated by the Selectmen to provide affordable housing for Town employees, adult children of residents and for First Time Homebuyers.

#### SERVICES/RESOURCES DEVELOPED BY THE AHA

- 1). Developed a formal Agreement with the town of Boxboro to administer the Massachusetts's Rental Subsidy Program and the Federal Section 8 Program.
- 2). Developed and implemented a pilot Single Parenting Program funded by the Executive Office of Communities and Development.
- 3). Developed and implemented a Parent Aide Program for up to ten (10) subsidized clients through a Service Contract currently awarded to Concord Assabet Adolescent Services.
- 4). Instrumental in developing proactive programs to empower clients.
- 5). Developed a Cooperative Agreement with the Acton Visiting Nurses for consultation services relating to health issues for the elderly and families subsidized by the Authority.
- 6). Developed and implemented a monthly consultation service by the Department of Mental Health's and Elliot Community Human Services' administrative staff.
- 7). Provide on going affordable housing workshops in the community.
- 8). Developed and implemented a Section 8 Family Self Sufficiency Program with the assistance of a fifteen member Program Coordinating Committee representing various community resources and services.
- 9). Established effective collaboration with other town boards and organizations. (Selectmen, Conservation Commission, Planning Board, Fire and Police Departments, Council on Aging, Minuteman Homecare, local schools, Concord Family Service, Minuteman Tech., Habitat for Humanity International, Acton's Clergy Council, Concord Assabet Adolescent Services, CODE, Acton's Elderly Providers Group, Emerson Hospital, A/B Community Education, Widening Horizons, State Legislators)
- 10). Donations received from the community enabled the Authority to offer summer camps/ship to children and classes at A/B Community Education for both parents and children.
- 11). Career Counseling and Interview techniques are offered.
- 12). A ten week workshop on "Empowering Women".
- 13). Area workshops run for the staff & Board of eight (8) LHAs on "Breaking the Poverty Cycle".
- 14). March '93 hosted a Legislator's Breakfast for 12 LHAs and their Legislators to come together and share mutual concerns.
- 15). The coordination of resources and advocacy for clients in community.

#### AHA RECEIVES FUNDS FROM:

Rotary, Digital Equipment, NEC Corporation, Middlesex Savings Bank, Lions Club, United Way, Jenks Fund, Junior Women's Club Girl Scouts, Boy Scouts, A/B High School Students, Children's Museum, Concord Assabet Adolescent Services, Acton Congregational Church, St. Elizabeth's of Hungary, First Parish Church of Stow & Acton, St. Matthew's United Methodist, United Church of Christ Congregation of Boxboro, Northern Bank, Fleet Bank, South Acton Congregational Church, Concord Auto Auction, Church of Good Shepard

ACTON HOUSING AUTHORITY

1993 COMMUNITY PROGRAM/SERVICES OFFERED  
TO AHA'S CLIENTS AND THEIR CHILDREN

<u>ACTON/BOXBORO COMMUNITY EDUCATION COURSES</u>	<u>NO. OF CLIENTS</u>
SOCCER	1
TENNIS	2
SWIMMING LESSONS	14
BASEBALL	4
BALLET	2
CREATIVE DRAWING	1
CREATIVE MOVEMENT	1

POOL MEMBERSHIP (MID-JUNE/MID SEPTEMBER) FOR 10 FAMILIES WITH  
THIRTY ONE (31) CHILDREN

<u>SUMMER CAMP</u>	<u>NO. OF CLIENTS</u>
A/B COMMUNITY ED. DAY CAMP	18
CHILDREN'S DISCOVERY CAMPERSHIP	1
4H CAMP	3
GROTON WOOD	4
AGASSIZ VILLAGE	5
CAMP CAZIBO	1
A/B REGIONAL H.S. SUMMER SCHOOL	4
CHILDREN'S MUSEUM	1

<u>CAREER/EDUCATION COUNSELING</u>	
CLIENTS ATTENDED COUNSELING SESSIONS	12
A TEN WEEK EMPOWERING WOMEN'S WORKSHOP	8
AREA WORKSHOP FOR STAFF OF EIGHT LOCAL HOUSING AUTHORITIES ON "BREAKING THE POVERTY CYCLE"	

PARENT AIDE PROGRAM  
AHA CONTRACTED WITH CONCORD ASSABET ADOLESCENT SERVICES TO  
PROVIDE SINGLE PARENT CLIENTS A PARENT AIDE FOR TWELVE MONTHS

HOLIDAY GIFT BOXES 43

COMPLIMENTARY PASSES  
DISCOVERY MUSEUM, JUNIOR WOMEN'S CLUB, BREAKFAST WITH SANTA

AHA RECEIVED COMMUNITY CONTRIBUTION FROM  
ROTARY, DIGITAL EQUIPMENT CORPORATION, NEC CORPORATION, MIDDLESEX  
SAVINGS BANK, LIONS CLUB, UNITED WAY, JENKS FUND, JUNIOR WOMEN'S  
CLUB, GIRL SCOUTS, BOY SCOUTS, A/B HIGH SCHOOL STUDENTS,  
CHILDREN'S MUSEUM, CONCORD ASSABET ADOLESCENT SERVICES, ACTON  
CONGREGATION CHURCH, ST. ELIZABETH OF HUNGARY, FIRST PARISH  
CHURCH OF STOW & ACTON, ST MATTHEW'S UNITED METHODIST, UNITED  
CHURCH OF CHRIST CONGREGATION BOXBORO, NORTHERN BANK, FLEET  
BANK, SOUTH ACTON CONGREGATION CHURCH, CONCORD AUTO AUCTION,  
CHURCH OF GOOD SHEPARD

# ACTON MEMORIAL LIBRARY

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486 Main Street  
Acton, Massachusetts 01720  
264-9641 264-9642  
TDD 635-0072

Board of Selectmen  
Town of Acton

Dear Selectmen,

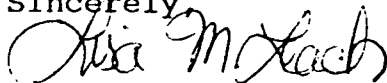
The Acton Memorial Library Children's Department requests a grant of six hundred dollars from the Jenks Fund to underwrite our 1994 Summer Reading Program titled "Ticket to Read". The goal of this year's Massachusetts Regional Library System's statewide program is to reach out to children and their families to encourage them to visit the library during their vacation months and to read for pleasure. Public response has been overwhelmingly favorable. Many parents and teachers have expressed appreciation for the help our program offers to maintaining reading levels during the summer vacation. Over 800 children were registered for our 1993 program and we expect to easily match or exceed that number in 1994.

The six hundred dollars voted by the Board of Selectmen last year provided quality programs and prizes at no cost to participants. We are proud we can provide this public service for all young people in Acton.

The grant enabled us to provide children with small prizes of merit which recognized their reading accomplishments and made them feel good about what they read. We also offered two special programs. The first was a musical voyage with Julie Thompson and Brownie MacIntosh who sang traditional songs of the sea. The program was performed in costume and the performers played the banjo, guitar, and concertina. Our second program was with children's author/illustrator Brian Lies. Mr. Lies described what goes into the production of a children's book. Children were pleased to watch Brian draw sketches, answer their questions, and autograph books for them. Both programs were well attended. Our success is due to the generosity shown to the library by the Board of Selectmen. Thank you.

Receipt of the Jenks Fund Grant for 1994 would ensure another enriching and successful summer. In order to give you a flavor of the program, photographs, flyers, and publicity releases are enclosed from last year's program. If I can answer any of your questions please call. Thank you for giving us favorable consideration to our request.

Sincerely,



Lisa M. Leach  
Children's Librarian

## ACTON MEMORIAL LIBRARY

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486 Main Street  
Acton, Massachusetts 01720  
264-9641 264-9642  
TDD 635-0072

For Immediate Release.

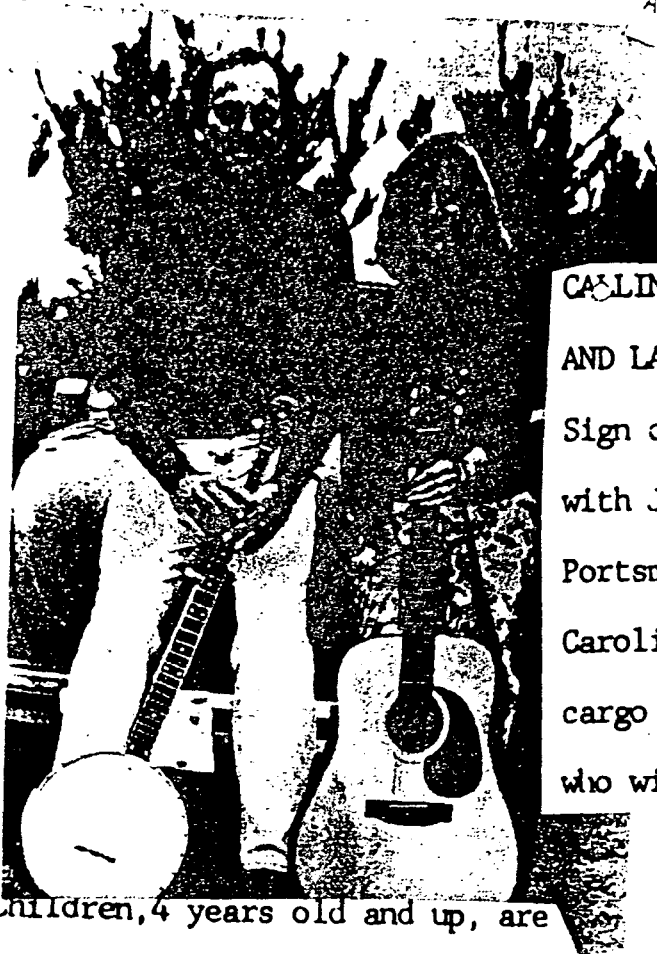
Musical Voyage.

Calling all sea-going folk and landlubbers too! Come aboard the Acton Memorial Library's summer program finale. This is a musical voyage with Julie and Brownie on the ship "The Bonnie Lady." Children, four years old and up, are invited to participate in the performance on Wednesday, August 25th at 11:30 am. This is a program of original and traditional songs and dialogue of the sea. Performed in costume and using musical instruments which include: banjo, guitar, tenor guitar, and concertina.

Help us conclude this summer's reading program titled, "Sail On A Sea Of Books," by joining us at the Acton Town Hall. Over seven hundred children participated in this program accumulating prizes including fish stickers, coupons for free sandwiches, Funpacks, flower seeds, and library loot. The program has been very successful. Funding provided by the Jenks Fund and the Friends of the Acton Libraries contributed to the prosperous program. Our grand finale is free and requires no registration. For more information contact the Library at 264-9641.

Wednesday  
August 25th  
11:30 am

A special thank you to the JENKS FUND for funding this program.



CALLING ALL SEA-GOING FOLK

AND LANDLUBBERS TOO!

Sign on for a musical voyage

with Julie & Brownie on THE SHIP, THE BONNIE LADY, as we leave  
Portsmouth Harbor and sail around Cape Cod, down through  
Carolina waters and onward to the Bay of Mexico, carrying  
cargo of fun for all those  
who wish to come aboard!

Acton town hall

Children, 4 years old and up, are

invited to participate in the

performance. Songs include: THE SHIP, THE BONNIE LADY,

THE CAPE COD LIGHT, FIDDLER'S GREEN, AWAY RIO, TO PORTSMOUTH,

WINDY OLD WEATHER and more!

For more information  
call the

This is our grand finale. Thank you for participating  
in this year's Summer Reading Program at the Acton  
Memorial Library.

library  
at

Julie & Brownie  
Thompson Macintosh's

VOYAGE on

The Ship, The Bonnie Lady

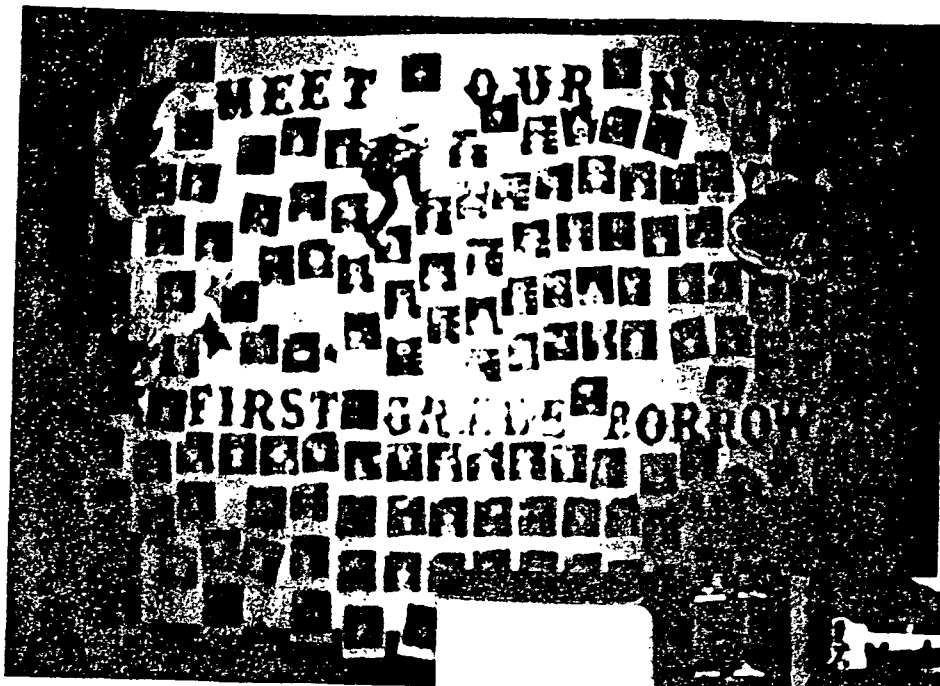
Grand  
finale!!

264-9641.

This is a program of original &  
traditional songs and dialogue  
of the sea. Performed in costume  
and using musical instruments  
which include: Banjo, guitar,  
tenor guitar, concertina.



# New Borrower Program



Children's Librarians  
visit Kindergarten  
classes & invite  
students to the  
library to get  
their own library  
cards.



Photographs are  
taken of New  
Borrowers and  
placed on a  
large bulletin  
board for all  
patrons to see!

# Flatfoot Fox

Celebrate  
Children's Book Week

with  
Children's  
Book Illustrator

Mr. L. L. Lie

Acton Memorial Library  
November 10  
7:00 PM

Mr. Lie is the illustrious author of the books starring Flatfoot Fox and his friends. (Books written and illustrated by Mr. Lie and the Flatfoot Fox Club are available at the power and light plant.)

The program is appropriate for children in grades 1 through 5. Their parents are invited to attend.

Copies of Mr. Lie's books will be available for purchase in the Children's Department after November 3.

The author will autograph copies of his books following the program.

SAFETY: NO FLAMMABLES OR OPEN FLAMES

# **Celebrate Children's Book Week with Brian Lies**

**Children's Book Illustrator**

**November 16 7:00PM**

**Acton Memorial Library**

**The author will autograph copies of his books  
following the program**

**Sponsored by the Friends of the Acton Libraries and  
the Jenks Fund**

**Copies of Mr. Lies books will be available**

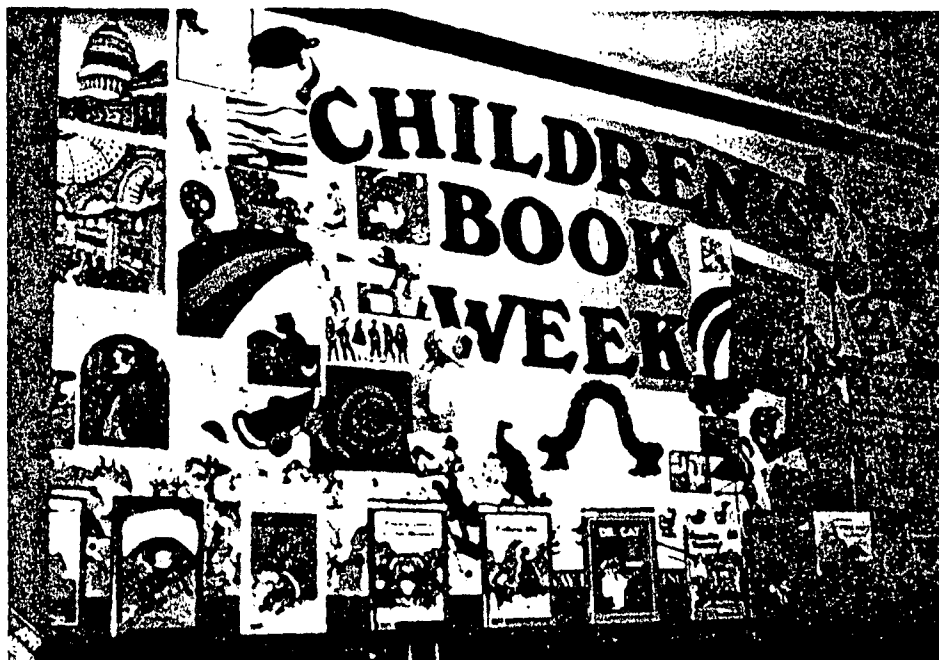
**for purchase in the Children's Department after November 8**

BRIAN LIES graduated from Brown University with a degree in British and American literature and now devotes all of his time to illustration. His work has appeared in numerous newspapers and



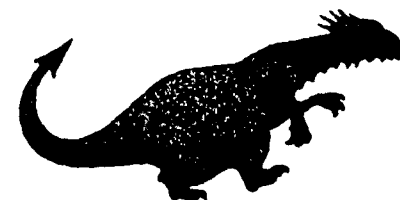
Photo © 1991 by Brian Lies

magazines and has been exhibited in galleries in Boston and Princeton. The illustrator of Eth Clifford's *Flatfoot Fox and the Case of the Missing Eye*, Mr. Lies lives in Cambridge, Massachusetts.



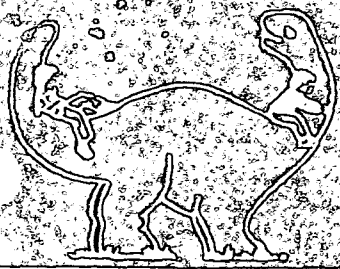
Meet  
*Brian Lies*  
illustrator of  
children's books

Tuesday,  
November 16th  
at 7:00PM



Acton Memorial Library  
486 Main Street  
Acton, Ma 01720  
264-9641

Sponsored by  
The Friends of the  
Acton Libraries and  
The Jenks Fund



## THE DISCOVERY MUSEUMS

• a creative children's museum • an inventive science museum •

### Founder

#### President Emeritus

Donald B. Verger  
*Educator/Exhibit Designer  
Naturalist*

### Board of Directors

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*Vice President, Administration,  
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Paula L. Wright

*Owner/Operator  
McDonald's of Acton*

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### Executive Director

Rob Moir

### Deputy Director

Deborah J. Gilpin

### Professional Affiliations

American Association of Museums

*Association of Youth Museums*

*Society of Science Technology Ctrs.*

Natl Assoc. for the Education of Young Children

National Science Teachers Assoc.

New England Museum Association

Museums of Boston

March 8, 1994

Christine M. Joyce

Town Manager's Office

472 Main Street

Acton, MA 01720

Dear Ms. Joyce,

The Discovery Museums respectfully requests funding through the Jenks Family Trust to benefit the youth of Acton. This year funds are requested in the amount of \$600 to hire an Acton youth to work as a Summer Intern Explainer/Teacher's Aid during five camp sessions. These sessions run two hours a day for two four day weeks. The intern will work three hours with time for preparation and clean-up. The entire \$600 will go to the intern at \$5 per hour, 24 hours per camp session (8 days x 3 hours) for five sessions.

Support from the Jenks Fund in 1987, 1988 and 1989 has demonstrated that summer internships have a very positive impact not only on Acton high school students but also on many children that visit the museums during the summer.

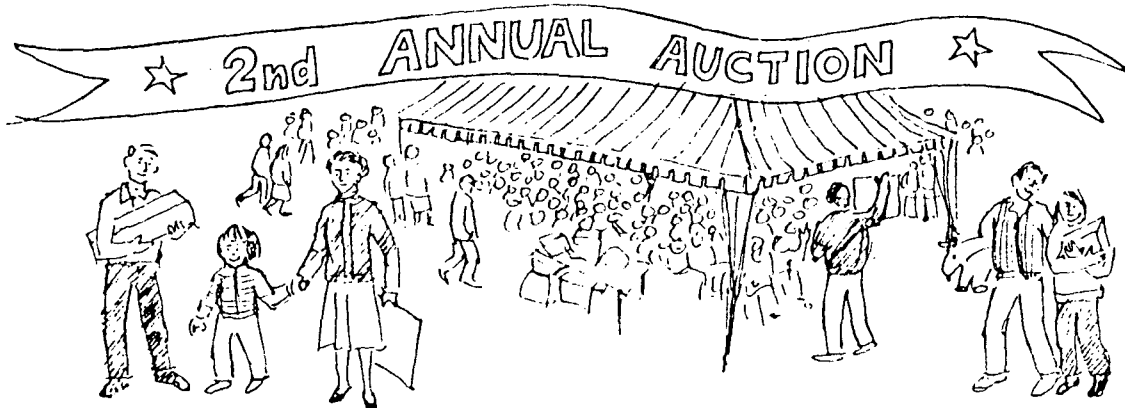
A summer internship at the museum is a very special, rewarding and invaluable learning experience for a young person interested in the fields of education, museums or young children as a possible career. The Intern Explainer/Teacher's Aid will be exposed to many interesting and creative learning experiences and activities. The Intern will work closely with both the Children's Education Director and Associate Education Director in preparing special workshops on nature, science, art and other educational events for the summer camp program, "Summer Discoveries". The intern will also work closely with professional staff maintaining exhibits and interfacing with children, parents and professionals every day.

The Discovery Museums, Inc.

Partners in Creative Education

Children's Discovery Museum/Science Discovery Museum





## 2ND ANNUAL DISCOVERY AUCTION

### Friday Evening, May 6, 7 P.M.

Thanks to many enthusiastic bidders and donors, last year's auction was a resounding success. Our 2nd annual auction will build on that success with even more exciting one-of-a-kind items under the big tent. Proceeds from the gala evening will benefit The Discovery Museums and our continued efforts to both educate and entertain children of all ages.

The combined silent and live auctions will offer many services, including dining, entertainment, gift certificates,

and unusual collectibles. Some of the featured items include a 3 hour fantasy flight for three down the Hudson River Valley and over the Statue of Liberty, Staten Island, and other New York sights - donated by pilot Neal Grolnic of Interact. A shorter 1-1/2 hour jaunt to a view of your choice will also be auctioned. For the sports enthusiast, Boston sports event tickets, along with a hockey stick signed by the 1994 USA Olympic Hockey Team will go to the highest

bidder. A delicious array of hors d'oeuvres, beverages, and desserts donated by the areas best restaurants will be served.

Bring your excitement and your checkbook for an evening of spirited bidding to support The Discovery Museums.

P.S. You can also help The Museums by donating items for the auction, or your time as a volunteer. Call Debbie or Joan for more information about the 1994 Discovery Auction.

### SPECIAL MUSEUM HOURS

The Museums will be OPEN:

**Friday, April 1**

(Good Friday)

9 A.M. - 4:30 P.M.

The Museums will be CLOSED:

**Sunday, April 3**

(Easter)

The Museums will be OPEN:

**Sunday, April 17 - Sunday, April 24**

(Spring Vacation Week)

9 A.M. to 4:30 P.M.

No members-only hours on

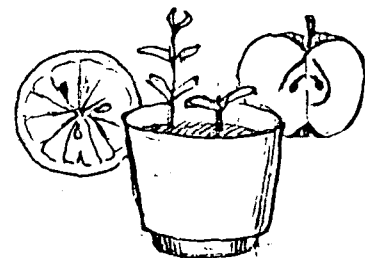
Tuesday, April 19.

The Science Museum will be open until 6 P.M. on Wednesday, April 20.

### WINDOW GARDEN

You will need:

Orange, Apple  
or Grapefruit seeds  
Small pots  
Potting soil



What are you going to do with those seeds after you finish eating that apple? Wait, don't throw them away yet! What would happen if you planted them? Experiment with other seeds like oranges and grapefruits too. You will need separate pots and soil for each kind of seed you collect. Label each container with a picture or name of the seed you planted. What will your seeds need to grow? Seeds need water and sun to grow so place your plants near a sunny window and water them when the soil gets a little dry. How long do you think it will take for the sprouts to appear? How tall do you think your plants will get? Measure your plant every week and keep a chart of its progress. If you plant more than one kind of seed, compare them. Does an apple sprout look different from an orange sprout?

### RESCHEDULED SCIENCE SPECIAL

The 3-D Math Origami special with artist and math teacher Caryn Johnson, snowed out on February 9, has been rescheduled for Thursday, March 3 from 3:30-5 P.M. Please refer to the Winter digest or call The Museum for more information.

## ADAPT

Alcohol and Drug Abuse Prevention  
Training Consultants

MR. THOMAS HERMANOWSKI, M.Ed.  
*Executive Director*

- B.A. Liberal Arts, University of Syracuse, 1970
- M.Ed., Health Education, Bridgewater State College
- Three-year Football Varsity Letter Winner, University of Syracuse
- Head Coach: Football, Basketball, Baseball
- Director and Teacher of Health Education, K - 12
- Chairman of Community Substance Abuse Task Force
- Director of Peer Leadership Program
- Member of Student Assistance Program
- S.A.D.D. Consultant
- Speaker and Panelist: Conferences, Television, Workshops
- Boston College, Graduate School of Social Work, Alcohol Counseling Certificate Program
- Johnson Institute Certificate Program, "Intervention How To Help Those Who Do Not Want Help"

## ADAPT

### Additional Substance Use/Abuse Programs for You

1. Total Program Analysis
2. Curriculum Development and Evaluation
3. Coaches' Awareness Training Seminar (3-15 hrs.)
4. Captains: Leaders On-and Off the Field (3-15 hrs.)
5. Peer Leadership Training
6. Administrative/Staff Educational Seminars
7. Student Assistance Programs
8. Grant Proposals
9. Parent Network and Education Programs
10. Intervention Skill Development Seminar
11. Presentations: *"It's Your Team, It's Your Performance, It's Your Decision"*  
*"The Family Portrait"*
12. Programs Developed to Meet **Your** Specific Needs

For information on these programs coming to your  
high school, please call:  
**(508) 435-0578**

Also, money from the Drug Free Act Grant and Comprehensive Health Education/Protection Grant can be used to pay for any of these programs.

THANK YOU.



# PLAYING THE GAME STRAIGHT

A Seminar for  
Athletic Directors, Coaches,  
and Captains to Prevent  
Substance Use and Abuse  
By Student-Athletes

Presented by: **ADAPT**  
Consultants in Alcohol and  
Drug Abuse Prevention  
Training



## PLAY! THE GAME STRAIGHT

### *About the Seminar*

There are at least two (2) well documented facts concerning today's student-athletes. The first is the vital role that athletics play in the developmental and maturing process of adolescents. The second is that a significant number of student-athletes are substance users/abusers. Athletic directors, coaches, and captains are being asked to address this issue by their schools and communities. The **ADAPT** seminar - Playing The Game Straight - will assist in providing athletic personnel with the necessary information and techniques they need in order to deal with this problem.

The members of the **ADAPT** (Alcohol and Drug Abuse Prevention Training) team are former collegiate athletes with over thirty (30) years of extensive ongoing coaching experience and day-to-day professional dealings in the field of substance use/abuse. This unique combination has lead to the development of this seminar designed to assist athletic directors, coaches, and captains in addressing substance use/abuse issues and how they relate to the student-athlete and athletic teams.

### Goal

The goal of the seminar is to have all participants become more aware of the many aspects of substance use/abuse and to realize the vital role athletic directors, coaches, and captains play in dealing with this issue as it relates to their players and teams.

### Objectives

The objectives of the seminar are to have all participants

1. help the student-athlete become more productive both on-and-off the field;
2. realize the nature of the problem and the negative impact on both the individual players' and teams' performance;
3. develop individual and team prevention strategies;
4. know intervention skills and techniques;
5. feel empowered to take their next step in substance use/abuse issues both on-and-off the field.

### Methodology

1. Structured discussion
2. Decision-making activities
3. Lecture
4. Hand-outs
5. Group process

## CAPTAINS: LEADERS ON-AND-OFF THE FIELD

### Agenda

#### *Session I: Attitudes, and Issues*

- A. Captains' Attitudes, Awareness, and Issues
- B. The Captain - A Unique Student-Athlete
- C. The Role of the Captain - On-and-Off the Field

#### *Session II: The Negative Impact of Substance Use/Abuse*

- A. Successful Athletes and Athletic Teams: What Does It Take?
- B. The Athletic Spectrum
- C. Marijuana and Alcohol - A Closer Look
- D. The Negative Impact of Substance Use/Abuse on a Student-Athletes' Performance and Team

#### *Session III: The Stages and Progression of Substance Use/Abuse*

- A. What Do You Think?
- B. The Stages and Signs of Substance Use/Abuse
- C. One Athlete's Story

#### *Session IV: Prevention and Intervention*

- A. Captains as Prevention Specialists
- B. One-on-One: Intervention Skills and Techniques

### Participants

Wayland High School  
Reading High School  
New England College Alcohol Network

## COACHES' AWARENESS SEMINAR

### Agenda

#### *Session I: Attitudes, Awareness, and Issues*

- A. Coaches' Attitudes, Awareness, and Issues
- B. Adolescent Issues - Past and Present
- C. Student-Athletes' Unique Issues Leading to Substance Use/Abuse
- D. Coping Mechanisms

#### *Session II: The Negative Impact of Substance Use/Abuse*

- A. The Model Athlete and Athletic Team
- B. The Athletic Spectrum
- C. Marijuana and Alcohol - A Closer Look
- D. The Negative Impact of Substance Use/Abuse on a Student-Athletes' Performance and Team

#### *Session III: The Stages and Progression of Substance Use/Abuse*

- A. What Do You Think?
- B. The Stages and Signs of Substance Use/Abuse
- C. One Athlete's Story

#### *Session IV: Intervention and Prevention*

- A. Prevention Strategies for Coaches, Captains, and Teams
- B. Intervention Skills and Techniques

### Participants

Wayland High School  
Windsor High School, Windsor, Connecticut  
New Britain High School, New Britain, Connecticut  
Stratford High School, Stratford, Connecticut  
New England College Alcohol Network

## Why Adolescents Should Not Use Alcohol at All

If this sounds like a hard line approach, it is, and there are good reasons for it!

- *Adolescents become addicted to alcohol more quickly than do adults because they are still developing physiologically and psychologically. This maturation process continues until approximately 21-24 years of age. An adult may become addicted to alcohol in 5-15 years. An adolescent can become addicted in 6 months - 2 years!*
- *Youngsters do not drink socially — they usually drink to get bombed or drunk. (Kids themselves admit this, so we had better listen!) A pattern of drinking to get buzzed or drunk is one of the early signs of an impending drinking problem.*

Alcohol is a depressant drug, and as little as one or two beers begins to put the brain to sleep. The result is that coordination, judgment, reflexes, and emotions are impaired. When driving, that can mean the difference between a crash and a near hit. When studying for an exam, it may determine the difference between a "C" and an "A."

When parents allow their child to drink, they give kids the message that it is okay to break the law. The consumption of alcohol by persons under the age of 21 is illegal. Parental responsibility includes observance of the alcohol consumption law for minor children in a family. The responsibilities of parents can extend to liability for the actions of other minors as well - those who become intoxicated in their home or on their property.

...you really want your youngster to drink? For adolescents, there is no such thing as "responsible use."

Connecting Link  
Spring 1991

## The At-Risk Student

by Andrea Funkhouser

Schools and professionals commonly talk about targeting "at risk" students for substance abuse prevention programs. I submit that all students are at risk and that we need to convince parents, educators, and the larger community that this is our real challenge.

I am frequently asked to go into the classroom as a guest speaker. My favorite topic is talking about what factors make kids at risk for harmful involvement with not only alcohol and other drugs but also a variety of other problems including suicide, teen pregnancy, criminal activity, dropping out. With help from students, I generate a list of risk factors, which typically reads as follows:

- Alcoholic parent(s), grandparent(s), sibling(s), or other close family member;
- Divorced parents;
- Abuse in the home—physical, mental, emotional, sexual;
- Neglect in the home;
- Being adopted;
- Living in a blended family;
- Being new to a school;
- Being handicapped or chronically ill;
- Having learning problems;
- Having a chronically ill parent or sibling, or having a parent or sibling who has died;
- Having an emotionally distant father;
- Living in an emotionally repressive family;
- Being the child of a workaholic;
- Being the child of a perfectionist;
- Being a latchkey kid.

Once we generate this list, I ask students if any of those factors exist in their lives. I have not found a single student who is not touched by any of these risk factors.

All kids are at risk in this day and age. That needs to become the

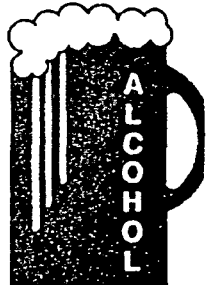


"group-think" of our society—especially those working in the areas of prevention.

Andrea Funkhouser is Substance Abuse Education Coordinator for the Okemos Public Schools in Michigan.

Johnson Institute  
Fall 1990

Reprinted from *Prevention Pipeline*  
July/August 1990



## What Alcohol Cost the Nation

### Breakdown of Costs for 1990

Core Costs	Cost (in \$Billions)
<i>Direct</i>	
Treatment	15.70
Health support services	1.81
<i>Indirect</i>	
Mortality	21.17
Reduced productivity	76.48
Lost employment	6.20
<b>Other Related Costs</b>	
<i>Direct</i>	
Motor vehicle crashes (Injuries and damages)	3.15
Crime	3.07
Social welfare	0.06
Other	4.28
<i>Indirect</i>	
Victims of crime	0.23
Incarceration	3.48
Motor vehicle crashes (Lost employment)	0.68
<b>Total</b>	<b>\$136.26</b>

Source: Ernest P. Noble, M.D.  
Substance Abuse Report  
June 15, 1991  
Volume XXII, Number 12

THE  
CHEMICAL  
PEOPLE

## Prevention is a Process...Not an Event

Parents do have control over the behavior, health, and safety of their children.

### Parents are Primary Preventers:

- Parents are primary role models
- Parental influence begins at birth and remains constant
- Peer pressure is transitional and situational

### Parents Must:

- Adhere to the No Use philosophy: No use of any illegal drug and No illegal use of alcohol or any other legal drug
- Set positive examples
- Talk with their children
- Establish firm behavior boundaries
- Develop clear lines of communication
- Encourage open discussion of attitudes and values
- Teach peer pressure reversal skills
- Encourage and provide alternative activities
- Allow for more quality time with their children
- Provide meaningful family functions
- Show their children that they love them
- Listen to their children
- Take an active part in school activities
- Know their child's friends and their parents
- Encourage their children to value their individuality
- Learn as much as they can about alcohol and other drugs
- Talk with their children about the dangers of alcohol and other drugs
- View and openly discuss positive TV documentaries
- Learn the warning signs of alcohol and other drug use
- Set rules and supervise parties
- Join with other parents to implement prevention strategies
- Be firm, consistent, and patient

"Kids are the only future this country has... they deserve to mature in a safe, drug-free environment."

### Religious Institutions May Wish to Encourage, Sponsor, and/or Support:

- Alcohol-free events for adults and youth
- Parent Peer groups
- Teen Peer groups
- Parent Training Seminars
- Youth to Youth Team Training
- Periodic seminars on alcohol and other drug use prevention
- Collaboration with community prevention groups or agencies

### Religious Institutions May Also Wish to:

- Provide a source for current, factual prevention pamphlets and brochures
- Insert prevention messages in their weekly bulletin
- Involve youngsters in the planning, organizing, and conducting of prevention events designed for them
- Utilize senior citizens in prevention projects

Connecting Link  
Spring, 1991

**...Our society, with the help of advertising and marketing by the alcohol industry, has knocked down almost all the defenses young people should have toward alcohol. Alcohol is the drug that college students are least afraid to use.**

**Bobby Heard  
Youth Coordinator  
Texans' War on Drugs**

## Principles of Prevention

Good health, including physical, emotional, social, and spiritual aspects, is important for a satisfying and productive life.

Each of the following is necessary for positive health for people of all ages:

- A positive relationship with oneself, evidenced in a sense of being worthwhile, and of being capable.
- Positive relationships and a sense of bonding with others—family, peers, and the community at large.
- A sense of hopefulness about the future.
- Awareness and relevant knowledge of health risks.

The abuse of alcohol, tobacco, and other drugs, or any use by youth and those at high risk, is a major threat to health. It is also related to, and a possible indication of, other serious problems such as violence, child abuse, and criminal behavior.

Because of the frequency, seriousness, complexity, and social nature of alcohol and other drug problems, these are problems for the community as a whole. The community in every aspect and at every level, including its institutions, has a stake in and responsibility for addressing these problems.

Prevention is a fundamental component of a thorough response to these problems, and consists of activities which will keep alcohol and other drug problems from occurring in the first place.

Prevention Network  
February, 1991  
Volume 7, Number 1



**THE  
CHEMICAL  
PEOPLE**

## Teenagers and Chemical Dependency

Teenagers acknowledge that drinking is a problem. Almost 44 percent of student leaders at a recent National Association of Student Councils convention say drinking is "the number one problem in high schools." Coupled with attitudes prevalent in many high schools today that it is "cool" to appear to be older, teenagers use older family members as models.

"Parents don't do drugs, but they drink," says one student leader, "so it's more socially acceptable for us to drink." This, in part, seems to explain a decline in drug use among high school students, albeit only a switch from drugs like marijuana and cocaine, to drugs like beer and hard liquor.

Researchers suggest that the additional "anti-drug" peer pressure will cause a continuing decline in teenage drug abuse, but there remain concerns about some of that decline transferring to alcohol use.

Alcoholism, the disease, can progress rapidly in adolescence, with the development of severe symptoms. There often is no period of social drinking among younger alcoholics.

The inability of teens to control drinking is evident: they can stop completely for a period of time, but cannot drink moderately. They will drink more than intended. Or drink when they had not intended. And they suffer as a result.

The chemically dependent teenager presents special issues and difficulties. Identification is often more difficult, because advanced symptoms such as liver disease or impaired abstracting ability may take several years to develop.

One cannot be too young to be an alcoholic, but conversely, one cannot be too young to recover.

Brighton Woods Treatment Center  
Recovery Update  
Volume 5, Number 2  
Summer, 1991

## San Francisco Implements Ban on Tobacco and Alcohol Advertising

San Francisco is now one of a number of local governments which restrict tobacco and alcohol advertising in public places. In January, the city voted to ban such advertising from buses, cable cars and streetcars. The ban resulted from the efforts of *Parents Opposing Addictive Drug Advertising*, a 40-member group which pointed out the bad influence alcohol and tobacco advertising have on children. Authorities agreed that children receive mixed messages when adults tell them not to use drugs or that tobacco is harmful, and they see advertisements which portray the message that alcohol and tobacco are good for them.

Industry spokesmen argue that advertising restrictions violate their first-amendment right to free speech. They say that California's recent vote is very serious because it will probably lead to something else. "Today it's public transportation, tomorrow outdoor advertising, then print. One thing is going to trigger something else," says *Michael Roux*, president of *Carillon Importers*.

From another perspective, *Michael Jacobson*, executive director of the *Center for Science in the Public Interest*, says San Francisco's decision sets a "wonderful precedent" for other cities who wish to ban advertising on transportation systems.

*New York Times*  
January 24, 1991

As reprinted in  
*Drug Abuse Update*  
No. 37, Summer 1991

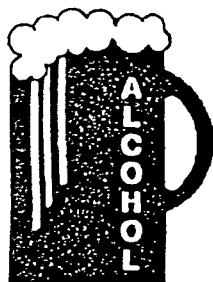
## Alcohol-Related Deaths Will Top Numbers of College Students Who Earn Advanced Degrees

"Alcohol consumption is the leading cause of deaths among young adults. Among those currently in college, between 240,000 and 360,000 eventually will lose their lives due to drinking... This equals the entire undergraduate student body of the 'Big Ten' universities," states *Office of Substance Abuse (OSAP)* Director *Elaine M. Johnson, Ph.D.*

As many college students eventually will die of alcohol-related causes—often based on habits begun in college—as will receive their masters and doctors degrees.

- Students attending college get drunk more often than do their counterparts who do not attend college; 41 percent versus 34 percent.
- Nearly 4 percent of college students, or nearly one-half million, drink every day.
- College students will spend about \$4.2 billion yearly for alcoholic beverages—which is more than is spent on operating campus libraries and college scholarships and fellowships combined throughout the U.S.
- Nearly 7 percent of college-freshmen dropouts do so as a result of drinking.

*Drug Abuse Update*  
No. 37, Summer 1991



## "Binge" Drinking

*Alcohol and the College Freshman; "Binge" Drinking and Associated Problems* produced at the *Harvard School of Public Health* by *Dr. Henry Wechsler* reports that while the use of marijuana, cocaine, and other "hard" drugs has declined slightly on college campuses, the use of the "soft" drug, alcohol, shows no similar decline. In fact, Dr. Wechsler reports that under-age students still participate heavily in drinking at bars and private parties and that 73 college administrators reported drunkenness on and off campus to be two of the top four problems on college campuses today.

For a copy of the report, contact:  
AAA Foundation for Traffic Safety  
1730 M Street, N.W., Suite 401  
Washington, DC 20036.

## Impact of TV Beer Advertising on Children

A study of the effects of televised beer commercials on 5th and 6th grade children conducted by researchers at the School of Public Health, University of California, Berkeley reports that there is a relationship between exposure and attention to beer advertising on the one hand and expectations to drink, on the other. The expectation to drink as an adult by children 11 and 12 years of age is related to exposure to commercials, recognizing commercials, recalling the brands, and beliefs about the social and ritual or lifestyle uses of beer, say the researchers. Boys, because of their greater involvement in watching TV sports programs, are more significantly impacted than girls.

"The argument about whether beer advertising is intentionally directed at underage youth is not relevant,"

says Dr. Lawrence Wallack of University of California's School of Public Health, "for the reality, regardless of intent, is that children are widely exposed to these ads, apparently learn from them, and develop expectations about their likelihood of future drinking based, in part, on these commercials." "Advertising is not the primary cause of alcohol problems in society," adds Dr. Wallack, "but it contributes to conditions that cultivate higher levels of consumption and subsequent morbidity and mortality." The report *TV Beer Commercials and Children: Exposure, Attention, Beliefs and Expectations about Drinking as an Adult*, is a follow-up to the study of impact of beer advertising initiated by the AAA Foundation for Traffic Safety in the 1987 study by New York University researchers, "Myths Men & Beer."

Strategies need to be developed, say the researchers, to control or regulate beer advertising in the broad context of a comprehensive alcohol control policy. Because alcohol-related problems ultimately touch every member of the community and erode the basic fabric of community life, Dr. Wallack's report concludes that everyone has an interest in preventing these problems, for beer advertising is a community issue. Plans of action for parents, educators, treatment providers, community activists, legislators and others to work together to reduce the potentially hazardous effect of beer commercials on young children and the larger community are presented in the report's recommendations by the public health specialists who conducted the study.

*TV Beer Commercials and Children: Exposure, Attention, Beliefs, and Expectations About Drinking as an Adult*, by *Lawrence Wallack, Ph.D., School of Public Health, University of California, Berkeley* and *Dr. Joel Grude, Prevention Research*

*Center, Pacific Institute for Research and Development and Evaluation* are available by contacting:

AAA Foundation for Traffic Safety  
1730 M Street, N.W., Suite 401  
Washington, DC 20036.

## Teens Don't Understand Drinking

by *Nancy Benac*  
*Associated Press*

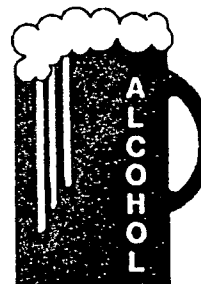
Washington - Teenagers use all kinds of tricks to get beer and wine, but many don't understand which drinks are most potent or even whether certain beverages contain alcohol, a national survey shows.

Surgeon General *Antonia Novello* said a survey of 956 students in junior and senior high schools found two-thirds couldn't always tell which beverages contained alcohol, even after studying the labels.

The survey showed:

- 5.6 million teenagers don't know the minimum legal age for buying alcohol, and almost 2 million don't even know such a law exists.
- 2.6 million teenagers don't know a person can die from an overdose of alcohol. Some 259,000 don't think wine coolers or beer can get you drunk.
- Eighty percent don't know a can of beer has as much alcohol as a shot of whiskey and 55 percent don't know a can of beer has the same amount of alcohol as a glass of wine.

*CADE News*  
Volume LI, July, 1991



## Guest Commentary

### Changing the Norm

by Walter Smith

When teenagers see adults having a good time at celebrations, dinner parties, or athletic events, the adults are likely to be consuming alcoholic beverages. Although most adult use of alcohol in social settings does not interfere with work habits, lead to a life of crime, or appear to hurt anyone, it does give young people the impression that drinking is normal social behavior. At the same time, young people are being told by parents, teachers, and counselors that they do not need to use alcohol or other drugs to have a good time. The people who deliver these messages, however, frequently enjoy themselves while using alcohol—in the presence of young people.

At an annual student/faculty conference in which I participate, students are required to organize a chemical-free party. They plan games, activities, dancing, and refreshments, none of which can involve the use of alcohol. In past years these parties were for students only, but in 1989 faculty members were invited to attend. Many faculty members turned out, and enjoyed themselves along with their students. However, a good number later admitted that the party was the first social function they had attended in several years where no alcoholic beverages were served.

#### The Power of Example

Children and adolescents learn primarily by what adults do, rather than by what they say. Therefore, the norm adults establish for alcohol use cannot be considered a harmless standard that has no effect on young people. The effects of this standard were made clear to a group of adults who attended a presentation for 2nd graders and their parents given by a colleague of mine. When my colleague asked some of the children present to identify situations in which adults drink alcohol, one child responded,

"When they take off their coats." When she asked the children when it would be all right for them, the children, to drink, several responded, "When our older brothers or sisters give it to us." Needless to say, the parents were taken aback by these answers.

Children see adults using alcohol in everyday situations, and they watch adults use alcohol and other drugs in movies and on television. In time children become convinced that adults consider drinking to be an important activity—no matter what the "just say no" commercials say.

#### Modeling Healthy Choices

If adults hope to prevent alcohol and other drug abuse, they must seriously consider ways of preventing alcohol and other drug use among children and adolescents. The average child has his or her first alcoholic drink or marijuana cigarette at age 13 (Van Ost and Van Ost). It is well accepted that the earlier one begins to drink or use other drugs, the greater one's risk of abuse or dependence. For these reasons it is extremely important that adults model healthy behavior to young people. Children who see adults making healthy choices are more likely to make similar choices for themselves.

*Adults have a choice.* When was the last time you attended a social gathering where alcohol was not served? Or, when was the last time you had the opportunity to drink—even a small glass of wine—and chose something else instead? If adults do not show that they can choose not to drink alcohol and still have a good time, teenagers will not either. Adults who wish to convince young people that alcohol is not necessary must practice what they preach and decide when and where they will drink. Because teenagers are developing physical, intellectual, and emotional maturity, they can benefit from adult modeling of limit setting, moderation, and abstinence.

Walter Smith is a licensed certified social worker with FCD Foundation, Inc., in Needham, Massachusetts.

Adults must begin to protect young people by changing their norm of consuming alcohol in every conceivable social situation. We must ask ourselves, "Does our norm for social drinking really reflect what is healthy for us, or is it merely what the majority of people do?" Today's young people view drinking as the norm. This fact was driven home to me during a presentation I made to a group of college students. During my talk, I listed some behaviors that are considered early warning signs of alcoholism. After reading the list, one of the students said, "Those aren't early warning signs; those are the things college kids do when they drink." Those students, the majority of whom were still teenagers, not only believed that drinking at parties is necessary, but had adopted abusive and dangerous drinking habits as a norm.

#### Youths at Risk

Most adults feel it is important to prevent drug abuse and dependence. Prevention of *use*, however, is an offensive concept to many people. A number of parents have said to me, "A little marijuana won't hurt, will it?" Many parents admit that they are relieved when they discover that their child is "only drinking" and not using other "dangerous" drugs.

I have never met a chemically dependent young person who did not start with "just a little." Young people who use alcohol expose

themselves to a variety of risks, including inherited propensity for addiction, disruption of learning and memory function, emotional disturbances, and attention deficit and other learning disorders. It is difficult for most adults to put these risks into proper perspective when they have grown up with and continue to hold the attitude that alcohol is an integral part of socializing. An adult society that has become accustomed to drinking at every social event—weddings, funerals, graduations, after work, on weekends—can hardly realize the extent to which its behavior makes it impossible to prevent adolescents from drinking. If the norm set by adult use of alcohol is not changed, prevention of adolescent use and dependence is not possible.

I am not saying I wish to rid the world of alcohol or reinstate prohibition. I simply believe that children would be better off if adults drank less.

#### Changing Adult Norms

Adults who want to change the drinking norm must begin with what is considered normal. We live in a society that commonly turns to drugs to eliminate pain or promote positive feelings. Alcohol, over-the-counter and prescription medications, and illegal drugs are used to relieve a variety of aches and pains and emotional lows. This norm increases the risk that young people

will get into trouble, become ill, or experience serious disruptions in their lives. Examples of the damage to society caused by alcohol use alone are everywhere, as the following statistics attest (National Council on Alcoholism):

- alcohol abuse plays a role in 40% of all divorces;
- alcohol abuse is responsible for approximately 97,500 deaths annually;
- one-fourth of Americans report that alcohol use has brought trouble to their families;
- Nearly 50% of criminals surveyed about their use of alcohol admitted that they had been under the influence at the time they committed their crime;
- in a study of family violence, 63% of wives said that their husbands were drunk at the time the violence occurred.

Adults must make a concerted effort to seek alternative means of relaxing, handling stress, dealing with problems, or having fun. They must avoid turning to alcohol or other drugs at the first sign of discomfort or boredom. Adults must take responsibility for changing drinking and drug use norms so that teenagers, in turn, can have a choice—and a chance—not to use or feel compelled to use. The challenge is great, but it must be met: The health and well-being of our children are at stake.

SA

Note: See page 52 for a list of references.

## Teach teens the skills they need to effectively cope with stress.

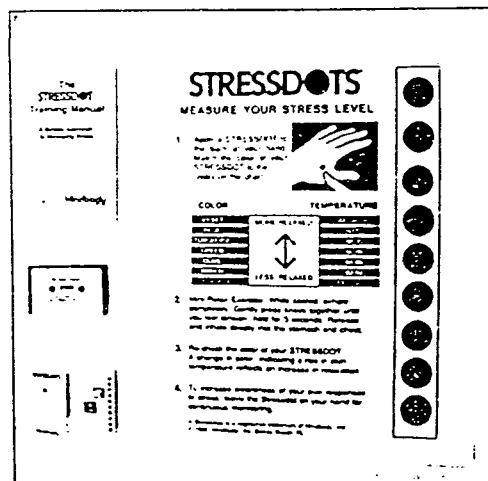
### STRESSDOTS® plus The Train the Trainer Kit

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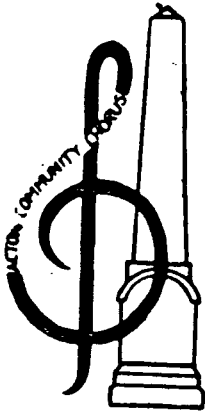
- Stressdots - signal changes in stress level by changing color in response to skin temperature changes. Worn on the hand, they provide *feedback at a glance* throughout the day. This unique feature makes them a perfect tool for successful relaxation training.
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**Mindbody** 4731 West Atlantic Ave., Delray Beach, FL 33445



Train the Trainer Kit



# Anniversary Acton Community Chorus

P.O. BOX 2440 • ACTON, MASSACHUSETTS • 01720

March 8, 1994

Board Of Selectmen  
Town of Acton

The Acton Community chorus would like to apply for JENKS funds to support some joint musical ventures with the Acton High School Chorus over the next year.

These activities may include:

- o joint rehearsals in preparation for Acton High School Chorus Performance
- o joint rehearsals in preparation for Acton Community Chorus Winter or Spring Concert
- o joint performance at an upcoming community function. In the past these have included the dedication of the Town Hall, the Anniversary of the Town Library, the Memorial Day Parade, Festival of Trees, Suburban Manor Nursing Home.

The final determination of activities would be based on the amount and timing of available funds.

Thank you for considering our application.

Sincerely,



Ruth Gallagher  
President,  
Acton Community Chorus



Proposal for the Stanley Jenks Fund for the Children and  
Youth of Acton

Submitted by: Cynthia Durost, 1 Martin Street, Acton, Ma.  
(508) 263-3959, March 9, 1994

Proposal Idea

I would like funding to conduct a series of art workshops for visually talented young people. The goal of these workshops would be to enhance artistic skills and build self esteem. A second goal would be to foster artistic training in the observation of nature to restore balance to the mind and body.

The workshops would occur once a week on Thursday afternoons from 12:30 to 3:30 (an early release day in the public schools) during the months of May and June. Workshops would take place in the natural settings of Acton such as the Acton Arboretum and the environmental space between the Gates and Douglas Elementary Schools. A public show would be planned to exhibit the visual representations of this experience.

Idea Clarification

Too often the visually talented young person does not receive enough reinforcement for their special gifts and intelligence. I believe that a special program which acknowledges such creativity is needed to encourage such genius; current school budgets are limiting and/or cutting art programs and classes. I have spoken to Dr. Zimmerman and Art Director, Elizabeth Mackay-both were very enthusiastic about this idea.

Back ground

I am a landscape painter and have painted actively since childhood learning initially from my mother. For 3½ years, I was apprenticed to Cheun Chen, a Chinese Brush painter, who had been painting since 11 years of age. In China, learning the use of the brush is highly prized. Discipline and creativity are combined with an appreciation of Nature to build harmony of human spirit. Over the past 10 years, I have spent much time painting watercolors in the natural settings of Acton and in such moments practiced and benefitted from the experience of doing art "plein aire". It is my firm belief that others, particularly young people, would also derive such benefits from this type of art exposure and training.

I would design the art workshops to focus on the process of seeing the form and beauty of nature. Discipline would be acquired by observation and meditation skill, specific knowledge of care and use of materials and actual on-going participation and guidance. Visual expression of the relationship to nature would be through sketching, painting in watercolor and ink and brush techniques.

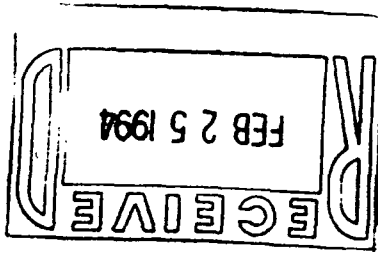
I am requesting funding for my instructional time and for the materials for the students (which the Chinese call "gifts"-each aspect of the process being a gift to the human spirit). An ideal group would be 5-7 students. (see enclosed budget sheet.)

Budget for Art in Nature Proposal for the Stanley Jenks Fund.

Art Workshops for 5-7 students	Thursday Afternoons May 5,12,19,26 June 2,9,16,23	12:30-3:30 (3 hours)	Stipend $300 \times 8 =$	2,400
Art Supplies (prices based on Utrecht's Manufacturers)	Strathmore Drawing Pad 24 sheets, 80lbs	9 x 12	$1.80 \times 7 =$	12.60
	Oriental Rice Paper	18" x 50"roll	$6.94 \times 7 =$	48.58
	Ink Sticks		$2.75 \times 7 =$	19.25
	Ink well		$6.00 \times 7 =$	42.00
	140lb Watercolor Block 15 sheets	15 x 20	$13.05 \times 7 =$	91.36
	Brushes,	size 8	$2.01 \times 7 =$	14.07
		size 12	$3.07 \times 7 =$	21.49
	Mat Board,	20 x 30	25 sheets=	33.00
Total Request				2, 682.35

\*\*I have discussed the idea of selecting students with Elizabeth Mackay, Art Director of the Acton/Boxborough Public Schools. We have some tentative ideas which would include recommendations from both the art specialists and classroom teachers. A form for selection purposes as well as a process would be finalized if this proposal is funded.

*Cynthia Durost*  
March 9, 1994



Acton Children's Playground, Inc.  
P.O. Box 1095  
Acton, MA 01720

February 24, 1994

Ms. Christine M. Joyce  
The Jenks Fund  
Town Manager's Office  
Acton, MA 01720

Dear Ms. Joyce:

The Acton Children's Playground, Inc., is a non-profit organization developed by a group of volunteers in Acton with the mission to build a safe, age-appropriate playground for children aged 0 to 5 years old in Acton, behind the Acton Memorial Library; and to also make much of the playground and its equipment accessible to physically challenged children, and/or their parents. After more than two years of planning and fundraising, the Board of Selectmen of Acton approved the playground plans. Phase One of the playground was built with the planning assistance of the Town of Acton, and the hard work of numerous volunteers from the community. The Acton Children's Playground Committee is grateful for the \$900.00 that it received from the Jenks Fund to assist us with Phase One of the playground.

Fundraising plans for Phase Two are presently being developed, with hopes that approximately \$10,000.00 will be raised by the Summer of 1994 in order to complete the playground and the surrounding landscaping, etc. As in the past, construction of the playground will not be funded through the town budget, all income will be raised through fundraising projects, and contributions.

The Acton Children's Playground Committee is requesting the amount of \$1,000.00 from the Jenks Fund to assist in the completion of the playground. We believe that this playground will become an attractive recreational meeting place for all of the citizens of Acton to enjoy. Please do not hesitate to call me at 263-8041 for more information about the playground. For your information, an abbreviated account of The Acton Children's Playground, Inc., budget is included on the next page.

Thank you for your consideration.

Sincerely,

*Carol Sheer*

Carol Sheer  
Acton Children's Playground Committee

Acton Children's Playground, Inc.  
P.O. Box 1095  
Acton, MA 01720

## BUDGET AND FUNDRAISING PLAN

### PHASE ONE

Income	
Walkathon	\$6500
Rubber Duckie Race	4500
Auction	9000
Miscellaneous	10800
Donations	18000
	-----
total	\$ 48800

Expenses	
Postage, etc.	\$2000
Construction extras	800
Playground equipment	42000
Miscellaneous	1000
	-----
total	\$45800

Balance            +       \$3000

### PHASE TWO

Income	
Balance	\$3000
Donations	4000
Flea Market	2000
Entertainer	1000
	-----
total	\$10000

Expenses	
Equipment	\$9000
Miscellaneous	1000
	-----
total	\$10000

Balance                        \$0

3/15/94

(10)

TOWN OF ACTON  
INTER-DEPARTMENTAL COMMUNICATION

March 7, 1994

**TO:** Don P. Johnson, Town Manager  
**FROM:** Tom Tidman, Conservation Administrator *TT*  
**SUBJECT:** 31 Carlisle Road - 21.3 ± Acres Marshall Land

This is a wooded portion of the Marshall Estate abutting the four lots previously released for sale. Most of the valuable timber on this acreage was harvested recently. The 21 acres is comprised of a hillside with areas of exposed ledge and very high groundwater. There are pockets of wetlands throughout this property as well.

Conservation does not encourage the purchase of this property by the Town of Acton.

TT:ahm  
768

2/15/94

⑪

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 1/31/94

TO: Don P. Johnson, Town Manager

FROM: Donna Jacobs, Assistant Planner *D. Jacobs*

SUBJECT: 31 Carlisle Road, Marshall Estate  
Notification of Intent to Sell

TAKE NO ACTION =  
DO NOT PURSUE  
PURCHASE OPTION.

The Planning Board has received two notices of intent to sell from Attorney Andrew Bailey on behalf of the MSM Trust, owner of 31 Carlisle Rd. On December 13, 1993 the Board voted to recommend that to the Board of Selectmen that they take no action on the notice of intent to sell lots 8, 9 and 10 at 31 Carlisle Road. On January 24, 1994, the Planning Board voted to recommend to the Board of Selectmen that they take no action on the notice of intent to sell a 21.3 +/- acre parcel.

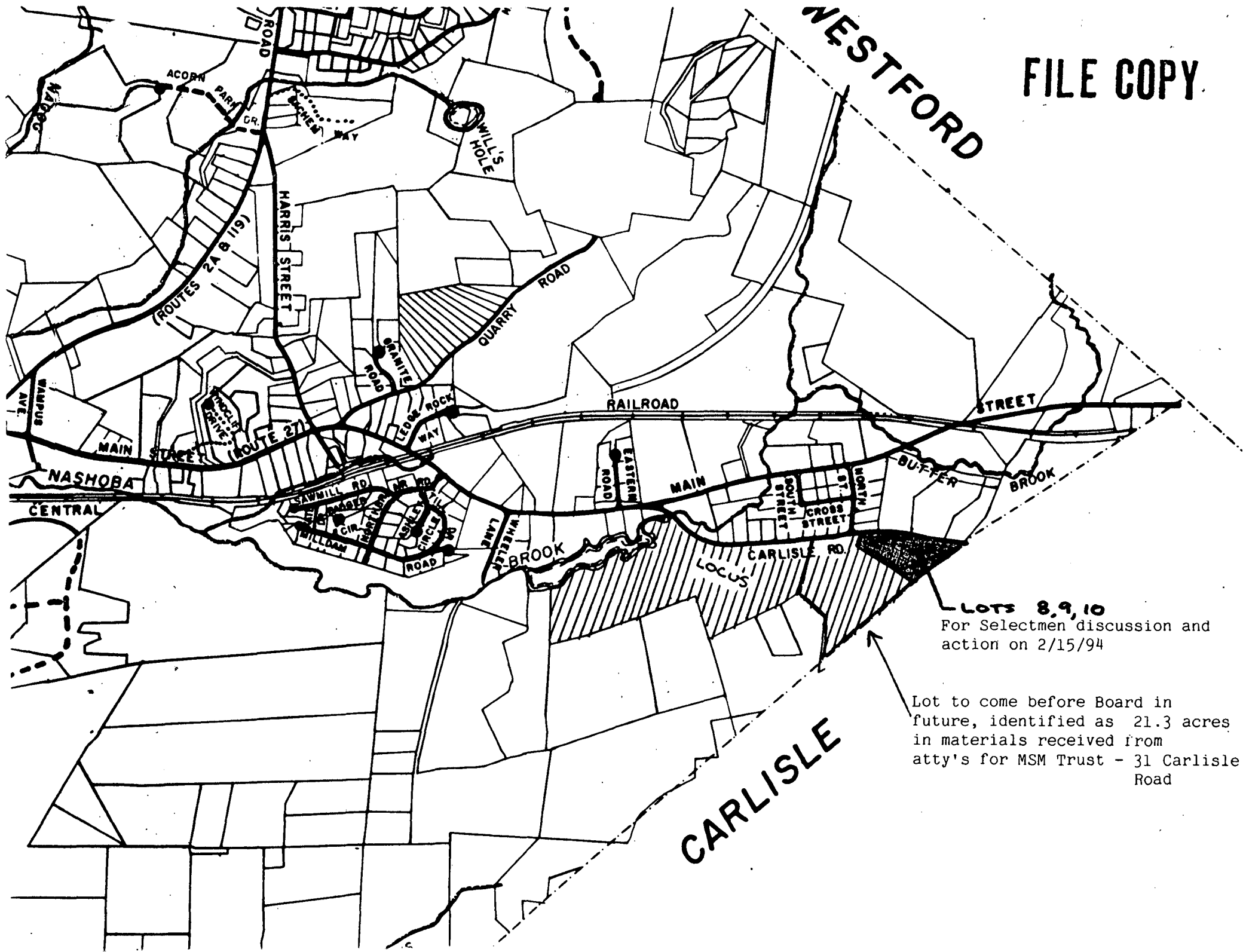
21.3+  
Parcel

The Planning Board discussed the location of the parcels/lots and their proximity to natural resources and Town-owned lands. The Board voted to recommend to the Selectmen that the Town take no action with respect to the Chapter 61 notification due to the following: 1) the parcel is not connected to any Town-owned parcels; 2) the parcel does not appear to enhance the protection of groundwater resources; 3) the parcel is not a priority acquisition; and 4) the current budgetary constraints.

If you have any questions or require additional information, please let me know.

dw11.193

FILE COPY



LOTS 8, 9, 10  
For Selectmen discussion and  
action on 2/15/94

Lot to come before Board in  
future, identified as 21.3 acres  
in materials received from  
atty's for MSM Trust - 31 Carlisle  
Road

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

FILE COPY

\*\*\*\*\*

DATE: 1/24/94

TO: Planning, Conservation, Assessors and 61A Committee

FROM: Town Manager's Office

SUBJECT: 31 Carlisle Road

The Board of Selectmen's Office has been notified under G.L. c. 61 section 8 that MSM Trust has a bona fide offer to purchase the subject parcels.

Please review this offer and attachments and forward comments and recommendations with respect to: (e.g. What is the assessed value? What are the recapture taxes/penalties? Have they been paid? What is the zoning? What are the development potentials or plan? What is the value of the property to the town? What is the recommended action for the Selectmen to consider? etc.)

\*\*\*\*\*

As a reminder to Assessors' and 61A, we have not received your comments on the previous request regarding lots 8, 9 and 10 dated December 21, 1993.

cc: Board of Selectmen



Andrew C. Bailey  
9th Floor  
100 Franklin Street  
Boston, Massachusetts 02110-1386  
617-728-9618  
Facsimile 617-728-9633

January 18, 1994

Board of Selectmen  
Town of Acton  
472 Main Street  
Acton, Massachusetts 01720

Re: Land located on 31 Carlisle Road  
Acton, Massachusetts

Dear Madam or Sir:

Enclosed herewith is a copy of an executed Purchase and Sale Agreement between the Trustees of The 1989 Mary S. Marshall Revocable Trust ("MSM Trust") and R.P. Realty Trust dated January 11, 1994 ("Agreement") for the sale of certain land on Carlisle Road, opposite North Street and described as "Parcel 21.3± Acres" on a Sketch Plan attached to the Agreement. It is a portion of the land described in Certificate of Title No. 184849. This land is classified as forest lands pursuant to G.L. c. 61.

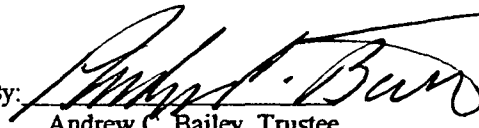
Pursuant to M.G.L. c. 61, §8, notice of intent to sell the above-described land and to convert it to another use is hereby given to you. The obligations of the buyer under the Agreement to purchase the land constitute a "bona fide offer to purchase said land" as provided by General Laws, c. 61, §8.

The address of the undersigned record owners of the Premises for the purpose of this notice of intent is:

MSM Trust  
c/o Andrew C. Bailey  
100 Franklin Street - 9th Floor  
Boston, MA 02110

Very truly yours,

MSM TRUST

By:   
Andrew C. Bailey, Trustee

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
P 866 027 799

1/24  
CHRIS - PLS. DISTRIBUTE  
FOR COMMENT AS W/  
PREVIOUS NOTICES.  
SCHED. FOR REVIEW  
AND VOTE OF BOS.  
REMINI STAFF OF  
REPORTS DUE ON EARLIER  
NOTICE.

cc: BOS

STANDARD FORM  
PURCHASE AND SALE AGREEMENT

This 11th day of January 19 94

PARTIES  
AND MAILING  
ADDRESSES

Andrew C. Bailey et al, Trustee of MSM Trust u/d/t dated February 23, 1989,  
recorded with the Middlesex South Registry of the Land Court as Document  
No. 794041.  
hereinafter called the SELLER, agrees to SELL and

(fill in)

Ronald B. Peabody, Trustee of R.P. Realty Trust u/d/t dated August 8, 1989,  
recorded with Middlesex South District Registry of Deeds in Book 20018,  
Page 274

hereinafter called the BUYER or PURCHASER, agrees to BUY, upon the terms hereinafter set forth, the  
following described premises: Land at 31 Carlisle Road, Acton, Massachusetts,  
containing 20 ± acres and shown on the attached Sketch Location Plan  
being a portion of the land described in Certificate of Title  
No. 184849 attached hereto.

2. DESCRIPTION  
(fill in and include  
title reference)

3. BUILDINGS,  
STRUCTURES,  
IMPROVEMENTS,  
FIXTURES

(fill in or delete)

~~Included in the sale as a part of said premises are the buildings, structures, and improvements now  
hereon, and the fixtures belonging to the SELLER and used in connection therewith including, if any, all  
wall-to-wall carpeting, drapery rods, automatic garage door openers, venetian blinds, window shades,  
screens, screen doors, storm windows and doors, awnings, shutters, furnaces, heaters, heating  
equipment, stoves, ranges, oil and gas burners and fixtures appurtenant thereto, hot water heaters,  
plumbing and bathroom fixtures, garbage disposers, electric and other lighting fixtures, mantels, outside  
television antennas, fences, gates, trees, shrubs, plants, and, ONLY IF BUILT-IN, refrigerators, air  
conditioning equipment, ventilators, dishwashers, washing machines and dryers; and~~

but excluding

4. TITLE DEED  
(fill in)

\* Include here by specific  
reference any restric-  
tions, easements, rights  
and obligations in party  
walls not included in (b),  
leases, municipal and  
other liens, other encum-  
brances, and make pro-  
vision to protect  
SELLER against BUYER's  
breach of SELLER's  
covenants in leases,  
where necessary.

Said premises are to be conveyed by a good and sufficient quitclaim deed running to the BUYER, or to  
the nominee designated by the BUYER by written notice to the SELLER at least seven days  
before the deed is to be delivered as herein provided, and said deed shall convey a good and clear  
record and marketable title thereto, free from encumbrances, except

- (a) Provisions of existing building and zoning laws;
- (b) Existing rights and obligations in party walls which are not the subject of written agreement;
- (c) Such taxes for the then current year as are not due and payable on the date of the delivery of  
such deed;
- (d) Any liens for municipal betterments assessed after the date of this agreement;
- (e) Easements, restrictions and reservations of record, if any, so long as the same do not prohibit  
or materially interfere with the ~~intended~~ <sup>division</sup> of said premises into four A.N.R. building lots.
- (f) As described in Certificate of Title No. 184849.

5. PLANS

If said deed refers to a plan necessary to be recorded therewith the SELLER shall deliver such plan  
with the deed in form adequate for recording or registration.

6. REGISTERED  
TITLE

In addition to the foregoing, if the title to said premises is registered, said deed shall be in form sufficient  
to entitle the BUYER to a Certificate of Title of said premises, and the SELLER shall deliver with said  
deed all instruments, if any, necessary to enable the BUYER to obtain such Certificate of Title.

7. PURCHASE PRICE  
(fill in); space is  
allowed to write  
out the amounts  
if desired

The agreed purchase price for said premises is Six Hundred Thousand (\$600,000)  
dollars, of which

\$ 30,000

have been paid as a deposit this day and

\$

\$ 570,000

are to be paid at the time of delivery of the deed in cash, or by certified,  
cashier's, treasurer's or bank check(s).

\$

\$ 600,000

TOTAL

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GREATER BOSTON REAL ESTATE BOARD



All rights reserved. This form may not be copied or reproduced in  
whole or in part in any manner whatsoever without the prior express  
written consent of the Greater Boston Real Estate Board.

8. **TIME FOR PERFORMANCE: DELIVERY OF DEED (fill in)** Such deed is to be delivered at 10:00 o'clock A. M. on the 20th day of May 1994, at the South Middlesex Registry of Deeds, unless otherwise agreed upon in writing. It is agreed that time is of the essence of this agreement. ~~Buyer or Seller may extend or accelerate the closing date as provided in Schedule 1.~~
9. **POSSESSION AND CONDITION OF PREMISE**  
(attach a list of exceptions, if any) Full possession of said premises free of all tenants and occupants, except as herein provided, is to be delivered at the time of the delivery of the deed, said premises to be then (a) in the same condition as they now are, reasonable use and wear thereof excepted, and (b) not in violation of said building and zoning laws, and (c) in compliance with provisions of any instrument referred to in clause 4 hereof. The BUYER shall be entitled personally to inspect said premises prior to the delivery of the deed in order to determine whether the condition thereof complies with the terms of this clause.
10. **EXTENSION TO PERFECT TITLE OR MAKE PREMISES CONFORM**  
(Change period of time if desired). If the SELLER shall be unable to give title or to make conveyance, or to deliver possession of the premises, all as herein stipulated, or if at the time of the delivery of the deed the premises do not conform with the provisions hereof, ~~then any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease; and this agreement shall be void without recourse to the parties hereto; unless the SELLER shall use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, or to make the said premises conform to the provisions hereof, as the case may be, in which event the SELLER shall give written notice thereof to the BUYER at or before the time for performance hereunder, and thereupon the time for performance hereof shall be extended for a period of thirty (30) days, provided that Seller shall have no duty to incur costs and expenses exceeding \$1,000.~~ If at the expiration of the extended time the SELLER shall have failed so to remove any defects in title, deliver possession, or make the premises conform, as the case may be, all as herein agreed, or if at any time during the period of this agreement or any extension thereof, the holder of a mortgage on said premises shall refuse to permit the insurance proceeds, if any, to be used for such purposes, then ~~any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto.~~ <sup>deposits</sup> made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto.
11. **FAILURE TO PERFECT TITLE OR MAKE PREMISES CONFORM, etc.**
12. **BUYER'S ELECTION TO ACCEPT TITLE** The BUYER shall have the election, at either the original or any extended time for performance, to accept such title as the SELLER can deliver to the said premises in their then condition and to pay therefore the purchase price without deduction, in which case the SELLER shall convey such title, except that in the event of such conveyance in accord with the provisions of this clause, if the said premises shall have been damaged by fire or casualty insured against, then the SELLER shall, unless the SELLER has previously restored the premises to their former condition, either  
(a) pay over or assign to the BUYER, on delivery of the deed, all amounts recovered or recoverable on account of such insurance, less any amounts reasonably expended by the SELLER for any partial restoration, or  
(b) if a holder of a mortgage on said premises shall not permit the insurance proceeds or a part thereof to be used to restore the said premises to their former condition or to be so paid over or assigned, give to the BUYER a credit against the purchase price, on delivery of the deed, equal to said amounts so recovered or recoverable and retained by the holder of the said mortgage less any amounts reasonably expended by the SELLER for any partial restoration.
13. **ACCEPTANCE OF DEED** The acceptance of a deed by the BUYER or his nominee as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed, except such as are, by the terms hereof, to be performed after the delivery of said deed.
14. **USE OF MONEY TO CLEAR TITLE** To enable the SELLER to make conveyance as herein provided, the SELLER may, at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of said deed.
15. **INSURANCE**  
\*Insert amount (list additional types of insurance and amounts as agreed) ~~On the delivery of the deed, the SELLER shall maintain insurance on the premises as follows:~~  
~~Type of Insurance~~ ~~Amount of Coverage~~  
1. Fire and Extended Coverage: \$  
2. ~~Other~~
16. **ADJUSTMENTS**  
(list operating expenses, if any, or attach schedule) ~~Collected rents, mortgage interest, water and sewer use charges, operating expenses (if any) according to the schedule attached hereto or set forth below, and taxes for the then current fiscal year, shall be apportioned and such value shall be adjusted, as of the day of performance of this agreement and the net amount thereof shall be added to or deducted from, as the case may be, the purchase price payable by the BUYER at the time of delivery of the deed. Unless such title is not and is not to be recorded in the public records and when collected by either party.~~

7. ADJUSTMENT  
OF UNASSESSED  
AND  
ABATED TAXES

If the amount of said taxes is not known at the time of the delivery of the deed, they shall be apportioned on the basis of the taxes assessed for the preceding fiscal year, with a reapportionment as soon as the new tax rate and valuation can be ascertained; and, if the taxes which are to be apportioned shall thereafter be reduced by abatement, the amount of such abatement, less the reasonable cost of obtaining the same, shall be apportioned between the parties, provided that neither party shall be obligated to institute or prosecute proceedings for an abatement unless herein otherwise agreed.

8. BROKER'S FEE  
(fill in fee with  
dollar amount or  
percentage; also  
name of Brokerage  
firm(s))

A Broker's fee for professional services of  
is due from the SELLER to E. A. Hill & Company, Ltd. \$30,000

~~The Broker(s) herein, but if the SELLER pursuant to the terms of clause 21 hereof retains the deposits made hereunder by the BUYER, said Broker(s) shall be entitled to receive from the SELLER an amount equal to one-half the amount so retained on an amount equal to the Broker's fee for professional services according to this contract, whichever is the lesser. said Broker shall not be entitled to any Broker's fee.~~

9. BROKER(S)  
WARRANTY  
(fill in name)

The Broker(s) named herein E.A. Hill & Company, Ltd.  
warrant(s) that the Broker(s) is (are) duly licensed as such by the Commonwealth of Massachusetts.

10. DEPOSIT  
(fill in name)

All deposits made hereunder shall be held in escrow by Powers & Hall P.C.  
as escrow agent subject to the terms of this agreement and shall be duly accounted for at the time for performance of this agreement. In the event of any disagreement between the parties, the escrow agent may retain all deposits made under this agreement pending instructions mutually given by the SELLER and the BUYER. Interest shall be paid to Buyer at Closing.

11. BUYER'S  
DEFAULT:  
DAMAGES

If the BUYER shall fail to fulfill the BUYER's agreements herein, all deposits <sup>and interest</sup> made hereunder by the BUYER shall be retained by the SELLER as liquidated damages ~~unless within thirty days after the date for performance of this agreement or any extension hereof the SELLER otherwise notifies the BUYER in writing which shall be the sole and exclusive remedy at law or equity of the Seller against the Buyer.~~

12. RELEASE BY  
HUSBAND OR  
WIFE

The SELLER's spouse hereby agrees to join in said deed and to release and convey all statutory and other rights and interests in said premises.

BROKER AS  
PARTY

The Broker(s) named herein join(s) in this agreement and become(s) a party hereto, insofar as any provisions of this agreement expressly apply to the Broker(s) and to any amendments or modifications of such provisions to which the Broker(s) agree(s) in writing.

14. LIABILITY OF  
TRUSTEE,  
SHAREHOLDER,  
BENEFICIARY, etc.

If the SELLER or BUYER executes this agreement in a representative or fiduciary capacity, only the principal or the estate represented shall be bound, and neither the SELLER or BUYER so executing, nor any shareholder or beneficiary of any trust, shall be personally liable for any obligation, express or implied, hereunder.

15. WARRANTIES AND  
REPRESENTATIONS  
(fill in); if none,  
state "none"; if  
any listed, indicate  
by whom each war-  
ranty or represen-  
tation was made

The BUYER acknowledges that the BUYER has not been influenced to enter into this transaction nor has he relied upon any warranties or representations not set forth or incorporated in this agreement or previously made in writing, except for the following additional warranties and representations, if any, made by either the SELLER or the Broker(s):

16. MORTGAGE  
CONTINGENCY  
CLAUSE  
(omit if not  
provided for  
in Offer to  
Purchase)

~~In order to help finance the acquisition of said premises, the BUYER shall apply for a conventional bank or other institutional mortgage loan of \$ \_\_\_\_\_ at prevailing rates, terms and conditions. If despite the BUYER's diligent efforts a commitment for such loan cannot be obtained on or before \_\_\_\_\_, 19\_\_\_\_ the BUYER may terminate this agreement by written notice to the SELLER and/or the Broker(s), as agent(s) for the SELLER, prior to the expiration of such time, whereupon any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto. In no event will the BUYER be deemed to have used diligent efforts to obtain such commitment unless the BUYER submits a complete mortgage loan application conforming to the foregoing provisions on or before \_\_\_\_\_.~~

27. CONSTRUCTION  
OF AGREEMENT

This instrument, executed in multiple counterparts, take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and enures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be cancelled, modified or amended only by a written instrument executed by both the SELLER and the BUYER. If two or more persons are named herein as BUYER their obligations hereunder shall be joint and several. The captions and marginal notes are used only as a matter of convenience and are not to be considered a part of this agreement or to be used in determining the intent of the parties to it.

28. LEAD PAINT  
LAW

~~The parties acknowledge that, under Massachusetts law, whenever a child or children under six years of age resides in any residential premises in which any paint, plaster or other accessible material contains dangerous levels of lead, the owner of said premises must remove or cover said paint, plaster or other material so as to make it inaccessible to children under six years of age.~~

29. SMOKE  
DETECTORS

~~The SELLER shall, at the time of the delivery of the deed, deliver a certificate from the fire department of the city or town in which said premises are located stating that said premises have been equipped with approved smoke detectors in conformity with applicable law.~~

30. ADDITIONAL  
PROVISIONS


~~Schedule A, is  
The attached exhibits, if any, attached hereto, are incorporated herein by reference.~~

FOR RESIDENTIAL PROPERTY CONSTRUCTED PRIOR TO 1978, BUYER MUST ALSO HAVE SIGNED  
LEAD PAINT "PROPERTY TRANSFER NOTIFICATION CERTIFICATION"

NOTICE: This is a legal document that creates binding obligations. If not understood, consult an attorney.

Ronald B. Peabody, Trustee of  
R.P. Realty Trust

  
SELLER (or spouse) Trustee of MSM Trust

  
BUYER

BUYER

BUYER

Broker(s)

EXTENSION OF TIME FOR PERFORMANCE

Date \_\_\_\_\_

The time for the performance of the foregoing agreement is extended until \_\_\_\_\_ o'clock \_\_\_\_\_ M. on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ time still being of the essence of this agreement as extended.

In all other respects, this agreement is hereby ratified and confirmed.

This extension, executed in multiple counterparts, is intended to take effect as a sealed instrument.

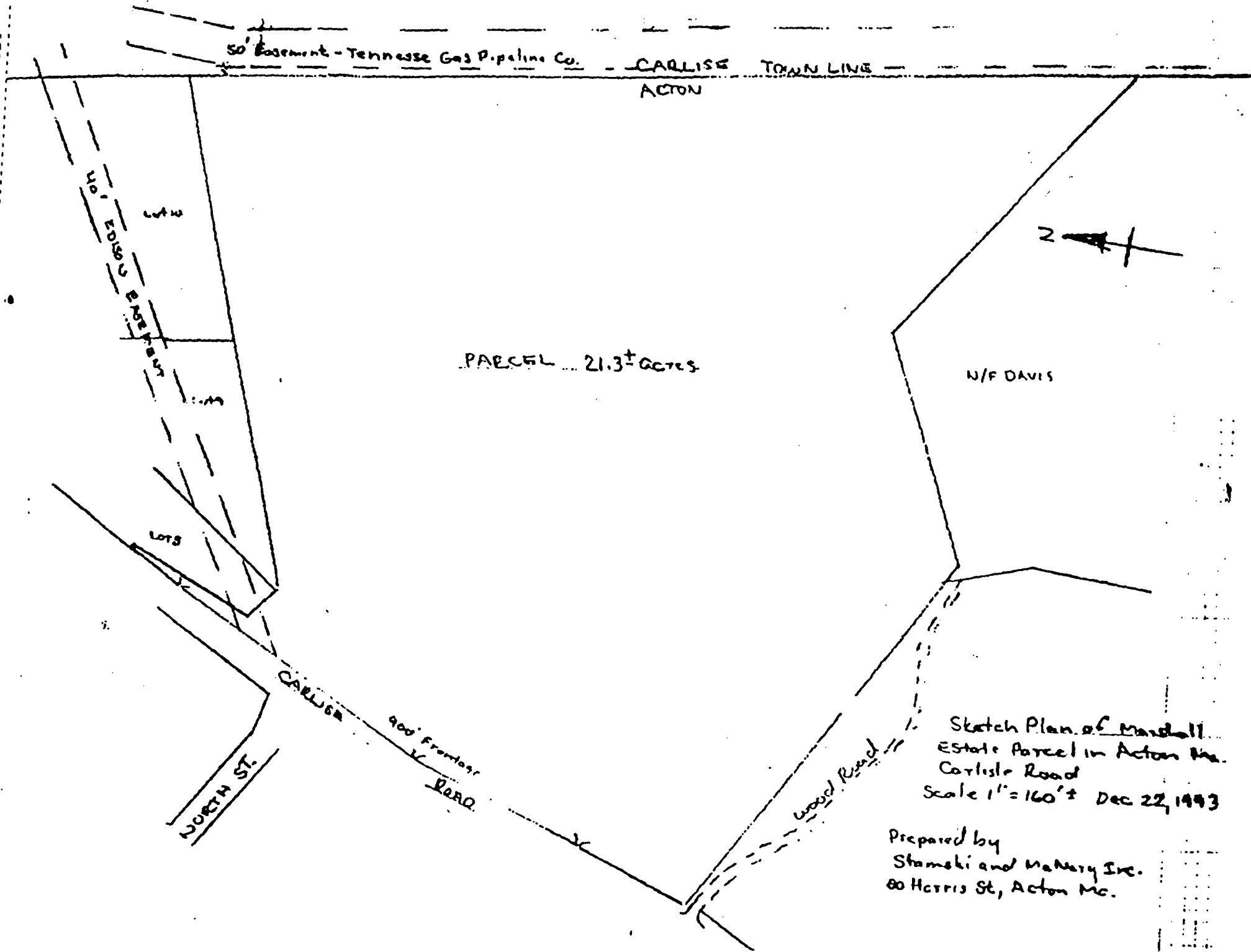
SELLER (or spouse)

SELLER

BUYER

BUYER

Broker(s)



50' Easement - Tennessee Gas Pipeline Co.

CARLISE TOWN LINE  
ACTON

PARCEL 21.3± ACRES

N/F DAVIS

100' EASEMENT

LOT 14

LOT 13

NORTH ST.

CARLISE

900' Frontage  
CARLISE ROAD

Wood Road



Sketch Plan of Marshall  
Estate Parcel in Acton Ma.  
Carlisle Road  
Scale 1" = 160' ± Dec 22, 1993

Prepared by  
Stanski and Mahony Inc.  
80 Harris St, Acton Ma.

From Transfer Certificate No. 101442 in Registration Book 437, Page 112  
Originally Registered May 12, 1940 for the South Registry District of  
Middlesex County

This is to Certify that

Mary S. Marshall, of Carlisle in the County of Middlesex  
and Commonwealth of Massachusetts and Andrew C. Bailey, of Dedham in the  
County of Norfolk, and said Commonwealth, Trustees of MSH Trust under a  
Declaration of Trust dated February 23, 1939 and registered February 24, 1940,  
being Document No. 794041, filed in the Land Registration Office for the South  
Registry District of Middlesex County,

are the owners in fee simple,

of that certain parcel of land

situate in Acton

in the County of Middlesex and said Commonwealth, described as follows:

Southeasterly by the County Road, two hundred ninety-one and  
12/100 feet;  
Southeasterly by land now or formerly of Thomas J. Allard,  
four hundred sixty-four and 23/100 feet;  
Northeasterly by land now or formerly of the Old Colony R. R. Co.,  
six hundred one and 29/100 feet;  
Northerly by land now or formerly of Parker Railroad and by a line  
crossing said County Road, two hundred eighty-six and 30/100 feet;  
Westerly by said County Road, two hundred fifty-eight and 86/100 feet;  
Northeasterly, two hundred eighty-seven and 67/100 feet, and  
Northerly, four hundred thirteen and 12/100 feet, by said  
Old Colony R. R. Co. land;  
Northeasterly by land now or formerly of Mary A. Hatch,  
three hundred fifty and 62/100 feet;  
Easterly by a line crossing a Town Road and by land now or formerly  
of Herbert V. Scott, Lumberman, about twenty hundred and  
thirty-six feet;  
Southeasterly, about four hundred eighty-nine and 34/100 feet,  
Southerly, three hundred thirteen and 85/100 feet, and  
Southeasterly, forty-one and 11/100 feet, all by land now or  
formerly of Charles E. Davis,  
Southeasterly by said Davis land and by land now or formerly of  
Richard Hutton et al. and of said Charles E. Davis, two hundred  
eighty-four and 81/100 feet;  
Southeasterly by land now or formerly of Wendell E. Davis,  
about four hundred and twenty-five feet;  
Southeasterly by said Davis land and by land now or formerly of  
Edward A. Connor, Lumberman, twenty-four and 84/100 feet;  
Southeasterly by land now or formerly of Blanchard & Son, about  
six hundred and twenty-five feet;  
Westerly by Robbins Hill Pond,  
Northeasterly by said Town Road, twenty-three hundred twenty-five  
and 12/100 feet, and  
Southeasterly by a line crossing said Town Road, by land now or  
formerly of the Town of Acton and Thomas U. Frost et al and  
by a line crossing said County Road, eight hundred eighty-seven  
and 64/100 feet.

All of said boundaries, except the Town line, are determined by the Court to  
be located as shown on a plan, as verified and approved by the Court, filed in  
the Land Registration Office, a copy of a portion of which is filed in the  
Registry of Deeds for the South Registry District of Middlesex County in  
Registration Book 262, Page 223, with Certificate 48174.

There is excepted and excluded from the above described land lots 1 and 2 as  
shown on plan filed in Registration Book 997, Page 177.

So much of the above described land as is included within the limits of the County Road and Town Road as shown on said first mentioned plan is subject to the rights of the public in and over the same.

So much of said land as is included within the limits of the Used Road, approximately shown on said first mentioned plan, is subject the rights of all persons lawfully entitled in and over the same.

The northeasterly part of said land is subject to the flow of a natural water course as shown on said first mentioned plan.

The above described land is subject to a taking by the Middlesex County Commissioners for relocation of Centerville Road as an easement for highway purposes, Document 221264 and to Certificate of entry under said taking Document 229345.

And it is further certified that said land is under the operation and provisions of Chapter 181 of the General Laws and any amendments thereto, and that the title of said

Mary S. Marshall; and Andrew C. Bailey;  
Trustees as aforesaid,

to said land is registered under said Chapter subject, however, to any of the encumbrances mentioned in Section forty-six of said Chapter, and any amendments thereto, which may be subsisting, and subject also as aforesaid.

Witness CARLTON T. SCILFRA, Chief Justice of the Land Court, Department of the Trial Court, at Cambridge in said County of Middlesex

the twenty-fourth day of February the year nineteen hundred and eighty-nine  
at 2 o'clock and 23 minutes in the afternoon.

Attest, with the Seal of said Court, .....

*Joseph C. Rosen*  
Assistant Recorder

Address of recorders: c/o Powers & Hall, P.C.  
180 Franklin Street, Boston, MA 02110

Printed Name of the Recorder

DN 6450



No. 184849

## DOCUMENT

375426    KIND:    Grant of Easements and Easement  
          IN FAVOR OF:    Mary S. Marshall et al. CO Boston Edison Company  
          TERMS:    Granting perpetual rights and easements upon,  
                          over and across part within described land.  
                          Pl. with Rec.    See Rec.  
          DATE OF INSTR:    Dec. 14, 1961  
          DATE OF REC:    Jan. 30, 1962    TIME OF REC: 10:50 AM  
          SIGNATURE:    *[Signature]*    Asst. Recorder

348393    KIND:    Payment Land Tax Lien  
          IN FAVOR OF:    Town of Acton  
          TERMS:    See Document  
          DATE OF INSTR:    Sept. 21, 1976  
          DATE OF REC:    Sept. 24, 1976    TIME OF REC: 9:30 AM  
          SIGNATURE:    *[Signature]*    Asst. Recorder

376312    KIND:    Payment Land Tax Lien  
          IN FAVOR OF:    Town of Acton  
          TERMS:    See Document  
          DATE OF INSTR:    Jan. 20, 1976  
          DATE OF REC:    Oct. 8, 1976    TIME OF REC: 11:40 AM  
          SIGNATURE:    *[Signature]*    Asst. Recorder

794042    KIND:    Declaration of Trust  
          IN FAVOR OF:    Mary S. Marshall et al, Trs. of MCH Trust  
          TERMS:    See Document  
          DATE OF INSTR:    Feb. 23, 1967  
          DATE OF REC:    Feb. 24, 1967    TIME OF REC: 2:03 PM  
          SIGNATURE:    *[Signature]*    Asst. Recorder

833124    KIND:    Certificate of Death  
          IN FAVOR OF:    Certifying death of Mary S. Marshall  
          TERMS:    on November 11, 1971.  
          DATE OF INSTR:    --  
          DATE OF REC:    Oct. 23, 1991    TIME OF REC: 10:32 AM  
          SIGNATURE:    *[Signature]*    Asst. Recorder

833127    KIND:    Release  
          IN FAVOR OF:    Relieving estate tax lien  
          TERMS:    (Mary S. Marshall; Estate).  
          DATE OF INSTR:    Sept. 7, 1991  
          DATE OF REC:    Oct. 27, 1991    TIME OF REC: 10:33 AM  
          SIGNATURE:    *[Signature]*    Asst. Recorder

833128    KIND:    Good and Proper's Etc.  
          IN FAVOR OF:    Motor Vehicle Highway of Acton  
          TERMS:    Conveying all of the land above on Plan 180784,  
                          Sheet 1, Pl. in Bk. 343, P. 225, lying northwesterly  
                          of the northwesterly abutment (along County Road)  
                          of lot 1 as shown on Plan 160784, Pl. in Bk. 497,  
                          P. 177, this certificate cancelled as to said land  
                          See Certificate 791453, Book 1087, Page 105  
          DATE OF INSTR:    Sept. 26, 1993  
          DATE OF REC:    Oct. 23, 1993    TIME OF REC: 10:33 AM  
          SIGNATURE:    *[Signature]*    Asst. Recorder

## SCHEDULE A

1. Buyer's obligations under this Agreement are subject to Seller providing, at the Closing, evidence reasonably satisfactory to Buyer that (i) the Town of Acton has waived or otherwise failed to exercise its option to purchase the Premises in accordance with Massachusetts General Laws C.61 ("Statute"), or, in the alternative, that the Town's 120 day option period has expired, and (ii) Seller has otherwise complied with the provisions of the Statute so far as material to conveying title to Buyer in conformity with this Agreement. Seller shall notify the Town of Acton of the intent to sell the Premises as required by the Statute on or before January 19, 1994.

If the Town of Acton or its assignee shall exercise its option to purchase the Premises pursuant to the Statute, this Purchase and Sale Agreement shall terminate, the deposit and interest thereon shall be returned to the Buyer and neither the Seller nor the Buyer shall have any claims against the other.

~~If Seller receives written notice from the Board of Selectmen of the Town of Acton that said Town will not exercise its option to purchase the Premises pursuant to Massachusetts General Laws C.61, §8, Seller or Buyer may accelerate the date of the Closing by notifying the other party in writing of the action of the Selectmen and designating the date for the Closing which shall be not less than twenty-one (21) days from the date of the notice of acceleration and not before March 1, 1994~~

2. All notices required or permitted to be given hereunder shall be in writing and delivered by hand or mailed postage prepaid, by registered or certified mail, by overnight delivery, or by facsimile transmission, in the case of

SELLER: Andrew C. Bailey, Esq.  
9th Floor  
100 Franklin Street  
Boston, MA 02110

BUYER: Mr. Ronald B. Peabody      with a copy to: Steven R. Graham, Esquire  
118 Strawberry Hill                      Graham & Harsip, P.C.  
Concord, MA 01742                      289 Great Road  
   Acton, MA 01720

or in the case of either party to such other address as shall be designated by written notice given to the other party. Any such notice shall be deemed given when so delivered by hand or if mailed, when deposited with the U.S. Postal Service, postage prepaid.

3. To the best of Seller's knowledge and belief, there is not now, nor has there ever been, in or on the premises, underground storage tanks;
4. Unless the Closing takes place at the appropriate Registry of Deeds, all documents and forms are to be delivered in escrow, subject to a prompt rundown of title and recording or registration. Buyer shall deliver full consideration at the Closing.
5. Seller shall record at or before the Closing a plan showing the Premises in compliance with General Laws c. 41, § 811 ("the Plan"). The boundaries and lot lines of said lots shall be substantially as shown on the attached Sketch Location Plan.

Andrew C. Bailey, Trustee of  
MSM TRUST

Ronald B. Peabody, Trustee of  
R.P. REALTY TRUST

By:  Trustee  
Andrew C. Bailey

By: \_\_\_\_\_ Trustee  
Ronald B. Peabody

SELECTMEN'S MEETING  
FEBRUARY 1, 1994

3/15/94  
(11)

The Board of Selectmen held their regular meeting on Tuesday, February 1, 1994 at 7:30 P.M. Present were F. Dore' Hunter, Anne Fanton, William Mullin, Nancy Tavernier, Norm Lake and Town Manager Johnson.  
{Representatives from cable were present}

CITIZENS' CONCERNS

None expressed

Chairman Hunter offered his condolences on behalf of the Board to the family of retired Firefighter William Soar.

Chairman Hunter announced the LWV Forum scheduled for Wednesday February 9, 7:30 P.M. on school/town budgets to educate the public on how budgets are prepared. Dore' noted school has begun their budget presentations. Dore' again asked for feedback on the budget process and read a prepared statement.

PUBLIC HEARINGS AND APPOINTMENTS

TOWN MANAGER'S FY95 DETAILED BUDGET PRESENTATION

Don discussed his budget which represents a .31% decrease from the FY94 B budget and includes fixed cost and maintenance of existing services. New growth could be up around \$500,000.

Bill Mullin noted that he had concerns with the expense side but was befuddled by the revenue side. Bill asked about Excise Tax numbers. Don said that we appeared to be 25% below last year based on collection figures. Bill asked about the percent of Real Estate Tax collections. John said we are currently at 96%. John further outlined capital and overlay reduction items that affect the budget.

Don discussed the need to replace the ladder truck. It was suggested that the truck be replaced immediately and leased for the first year, take the purchase to Town Meeting as an Article to bond at Town meeting. It was anticipated that it would be in the \$450,000 range.

Nancy Tavernier spoke about the format and felt the first page of the warrant gives costs and functions and was helpful.

Anne asked about using the \$130,000 gift to fund some part of COA center, and the funds to offset budget funding.

Bill and Dore' wanted the base to base put in writing as it would be easy to follow.

Nancy asked for a formatting change on Page 3 to have the same list starting with \$1, on new salaries, program, similar to last year. She felt that the Police cruisers should stay in the operating budget as it is essential to the operation.

Jan Edry asked about personnel director and the schools. Dore' explained that the school had not presented the most favorable proposal with respect to dollar savings. Janet Murphy commended the Town Manager on the direction the budget was taking and asked about possible pyramid approach to any override choices offered.

Dore' discussed that while he felt the Town side would not be seeking an override, he felt the local school would be going to ask for one.

Dore' asked for the Board's opinion about presenting an "A" budget at Town Meeting. Nancy felt that we should ask them to present the B budget or an "A" Contingent on successful override. Norm was concerned with presenting anything but a balanced Budget to Town Meeting. Norm wanted agreement regarding any monies above minimum mandate budget subject to override. It was the consensus of the board that the school needs to prepare a "B" budget for local schools. Dore' will let the Municipal Forum know the Board's feelings.

#### **PRELIMINARY WARRANT ARTICLE DISCUSSION**

Dore' updated the board on his meeting with the LHDC. They discussed his suggested changes and will most likely move forward with his changes.

There appears to be some outstanding capital items pending from the school that will need action.

Don Johnson will have a more complete listing of potential articles for the next meeting for board review.

#### **CONSENT CALENDAR**

ANNE FANTON - Moved to accept the Consent Calendar as submitted with the addition of the gift to the Civil Defense Agency. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

#### **SELECTMEN'S BUSINESS**

OVERRIDE QUESTION - The Board again discussed the decision not to seek an override for the Town Budget this year at the annual election. The Board will send a letter to the Editor stating that we will not be seeking one.

SIGN REQUEST - Anne asked for the draft regulations for review.  
NANCY TAVERNIER - Moved to Approve the request for placement on the traffic island with removal immediately after the production.  
BILL MULLIN - Second. UNANIMOUS VOTE.

DESIGNATION OF MUNICIPAL FORUM FACILITATOR - NORM LAKE - Moved to designate the Municipal Forum Facilitator as a Special Employee.  
NANCY TAVERNIER - Second. UNANIMOUS VOTE.

SEWER ARTICLE LANGUAGE DISCUSSION - Anne mentioned language in the material that Nancy had researched and asked if the wording left the Board of Selectmen any option when no Federal or State funding was available, and did it bind us? Dore' felt legally no, but morally, it was debatable.

#### TOWN MANAGER'S CONCERNS

LADDER TRUCK - Don explained the proposal to enter into a one year lease which would have a clause that if we could not get approval at town Meeting for the funds to purchase it we would return it. The revenues from the "freeze" of last fall would be used to pay the lease of approximately \$55,000.000. NANCY TAVERNIER - Moved to approve the lease with the funding provisions mentioned. ANNE FANTON - Second. UNANIMOUS VOTE. Bill was concerned that the snorkel truck replacement would be addressed with this one piece. He encouraged the replacement of two pieces with this one piece. Chief Craig explained that he has been calling the manufactures of this type of vehicle and will try to accomplish the two for one if a piece of equipment is in stock and available to lease when he firms up the search.

#### EXECUTIVE SESSION

BILL MULLIN - Moved to go into executive Session for the purpose of discussing negotiations.

The Board adjourned at 10:30 P.M.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
Christine Joyce  
Recording Secty.  
cmjW11-(486)

EXECUTIVE SESSION  
FEBRUARY 1, 1994

NEWSC

Don Johnson outlined the issues that they are facing with regard to trash delivery and origination definitions as it affects Dick's ability to manage the tonnage. If we take action we might get involved in litigation with NESWC. Norm felt if we could identify the trash we should go for it.

The Board adjourned at 11:00 P.M.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
Christine Joyce  
Recording Secty.  
cmjW11-(486)

JANUARY 28, 1994

TO: Board of Selectmen  
FROM: F. DORE' HUNTER, Chairman  
SUBJECT: SELECTMEN'S REPORT

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AGENDA

ROOM 204

FEBRUARY 1, 1994

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 CHAIRMAN'S MINUTE
2. 7:45 TOWN MANAGER'S FY95 DETAILED BUDGET PRESENTATION

III. SELECTMEN'S BUSINESS

3. OVERRIDE QUESTIONS - Enclosed please find Chairman Hunter's Memo of January 25 as well as backup information regarding Override Options reviewed by the Board last Spring for discussion.
4. LOCAL SCHOOL BUDGET - Enclosed please find a memorandum from the Chairman concerning the Local School's Budget Presentation.
5. REQUEST TO PLACE SIGN ON TRAFFIC ISLAND- Enclosed please find a request from the Drama Club and staff comment for Board action.
6. DESIGNATION OF MUNICIPAL FORUM FACILITATOR AS SPECIAL EMPLOYEE - The Board needs to make this designation for purposes of the Conflict of Interest Laws.

IV. CONSENT AGENDA

7. KENNEDY ESTATES - STREET ACCEPTANCE - Enclosed please find the Notice of Public Hearing that requires Board signature. The formal Public hearing is scheduled for March 1, at 7:45 for Board action.
8. ONE DAY LIQUOR LICENSE - Enclosed please find a request from Chez Claude for a One Day Liquor license for Sunday, February 13 and Sunday, February 20th for Board action.



9. WETHERBEE STREET BRIDGE POSTING - Enclosed please find staff recommendation for a bridge posting to be voted by the Board.
  10. VARNUM TUTTLE FUND REQUEST - Enclosed please find a request and staff comment for Board action.
- V. TOWN MANAGER'S REPORT
11. LADDER TRUCK - The Town Manager will discuss this problem with the Board after the FY95 Budget Presentation and make a recommendation for resolution.
- VI. EXECUTIVE SESSION

#### MEETINGS

- April 10, 1994 2-4 P.M. - Open House Senior Center

#### ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

#### FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

Feb 16, 1994

ACHC - ADAMS STREET

March 1, 1994

Kennedy Lane - Street Acceptance

Saab Class I review

March 15, 1994

Metropolitan Deli - Special Use Permit  
Common Vic

Costa Donuts - Special Use Permit  
Common Vic.

Possible discussion on the NARA/Bldg. Commissioner

SELECTMEN'S MEETING  
FEBRUARY 15, 1994

3/15/94  
(11)

The Board of Selectmen held their regular meeting on Tuesday, February 15, 1994 at 7:30 P.M. Present were F. Dore' Hunter, Anne Fanton, William Mullin, Nancy Tavernier, Norm Lake and Town Manager Johnson.

{Representatives from cable were present}

CITIZENS' CONCERNS

None expressed

Chairman Hunter announced to the citizens attending and viewing that the Board would be discussing budgets and articles for the upcoming Annual Town Meeting. He reiterated that the Board intended to attempt to adhere to the scheduled agenda as printed.

PUBLIC HEARINGS AND APPOINTMENTS

BOSTON EDISON  
POLE LOCATION - NAGOG HILL ROAD

ANNE FANTON - Moved to approve. NORM LAKE - Second.  
UNANIMOUS VOTE.

BOSTON EDISON  
POLE LOCATION - HORSESHOE DRIVE

ANNE FANTON - Moved to approve. NANCY TAVERNIER - Second.  
UNANIMOUS VOTE.

BOSTON EDISON/NEW ENGLAND TELEPHONE  
JOINT LOCATION - SCHOOL STREET

NANCY TAVERNIER - Moved to approve. ANNE FANTON - Second.  
UNANIMOUS VOTE.

BOSTON EDISON/NEW ENGLAND TELEPHONE  
JOINT LOCATION - HOSMER STREET

NANCY TAVERNIER - Moved to approve. ANNE FANTON - Second.  
UNANIMOUS VOTE.

ACHC - ADAMS STREET PROJECT

Steve Graham on behalf of the ACHC presented the housing plan as revised to reflect 8 units on 4 acres at the proposed Adams Street land. They have revised the plan to incorporate the concerns of the Town Departments and neighborhood residents. The ACHC has asked that the article be placed on the Warrant and that the Board of Selectmen prepare a Request for Proposals. They

urged the Board to put conditions in the RFP to reflect income guidelines in the area prescribed under State guidelines. They anticipate that the price would be in the \$94,500 range so that a family with an income in the low 30's to 38,000 will qualify for lending. They have spoken to some lenders and will talk more as information comes in.

Dore' asked about possible sewer tie-ins with Maynard in the future. They have adjusted the plan to reflect the concerns about future tie-ins and have left a 50 foot boundary buffer to use as an easement if needed in the future.

Anne asked about the locus with relation to the Maynard treatment plant. She was concerned about outstanding issues, and wants to have all the citizens concerns addressed before Town Meeting. She wanted to know if the odor problems mentioned by the neighborhood had been addressed. She asked if they had done any investigation into the issue of odor. Steve Graham said they will minimize the tree removal and hopefully it won't be an issue and noted that the odor could be addressed when the plant is upgraded.

Bill Mullin remarked that he had asked for a package of information which addressed the pro-forma, ground leasing options and has asked for these materials on two occasions. Steve Graham said that they would provide the materials as they were developed. Steve said that the Town has committed itself to the goal of affordable housing. Bill asked what dollar amount should be contributed. Steve felt the project would bring monies back to the Town in the form of tax revenue and would help address the Town's desire to present and maintain affordable housing stock.

Dore' said that the issue is whether it is practical, and whether the Board of Selectmen should put the article on the Warrant. If the Article was on the warrant the action of citizens would decide if we should move forward to the RFP stage.

Nancy felt it was important to continue to move forward with the project and to provide affordable housing. The ACHC was formed to gain control from the State. She said this is not a dollars and cents issue. She felt the Board would have the right to control the project under the RFP guidelines.

Bill asked for issues to be resolved such as any curb cuts on Adams Street, lot lines, and possible ground lease options prior to the next presentation.

Julian Horne of 5 Maillet Drive spoke against the project. He cited issues of sewage odor problems already existing in the neighborhood. They are concerned that the property would be given away and this would increase the financial obligation of the Town. He was concerned that the proposal would lower existing neighborhood values. He further talked about the notation to the Master Plan which promotes affordable housing as

a community goal. He felt that the other more important goals of the Master Plan to preserve the quality of life for existing citizens and to preserve open space were not being met by the creation of this neighborhood.

Anne Fanton noted that the Town of Acton was not at the State mandated 10% affordable housing levels and cautioned that the Master Plan did not prioritize goals developed by it.

Lois Mussier of 29 Adams Street asked about zoning issues with regard to the number of units allowed per 1/2 acre lot. Staff responded that the plan as proposed fell into the acceptable ratio because the area is in the major affordable housing district allowing up to five (5) units per acre.

NANCY TAVERNIER - Moved to include the article on the Town Manager warrant to transfer four acres presently held for sewage disposal purposes to affordable housing usage. NORM LAKE - Second. UNANIMOUS VOTE.

Bill Mullin urged them to submit a pro-forma before the next presentation as well as tax advantages/disadvantages. Dore' asked ACHC to provide wording for the article to town staff as soon as possible for inclusion.

#### FY95 DETAILED BUDGET PRESENTATION

The Board began to discuss the program/capital request list with regard to items being suitable for bonding and inclusion in departmental operating budgets.

Dore' asked if the re-val update, ladder truck and cruisers might be appropriate for capital budgets or articles. Nancy felt the ladder truck would be a bond issue, cruisers have been carried as a budget item as they are replaced so frequently. Nancy also was concerned about what would be done if we set these out separately and they were defeated. Dore' wanted to continue to carry it in the budget. Bill advocates we use more of our bonding capabilities to use the money for operations. Police Cruisers were under base B budget, Re-val was mandated and should be included in the Base B Budget.

Don updated the Board on the meeting held today concerning computer options. He feels comfortable recommending a lease program for the computers used by Accounting and police at around \$25,000/year. It would give the Town a chance to evaluate before purchasing, we could see what issues could be resolved. Dore' commented that it would work well since the schools had chosen to delay their technology article.

Anne wanted to use the \$130,000 in the gift account to offset the operation of the senior center. Nancy wanted to see some of the fund retained to fund housing for elderly.

Anne questioned the Planning Asst. Salary. Part of the secretary's salary now was reflected in the Engineering budget.

Bill asked about actual vs budget expenditures for FY94. Roy responded that a print out would be forwarded.

Bill further questioned the increase in the Assessor's budget. Staff explained that the increase reflected expert witness fees for appellate tax hearings. It was explained that if we include this it will allow us to decrease the overlay amount that is held. Bill asked if we were on target with regard to our legal budget. Don responded that we are within 10% and have budgeted 10% above for anticipated increase for land use issues.

The ladder truck was discussed and felt it would be a contingent expense and put on as an override question.

Nancy wanted to move the computer lease to the budget. The Computer Upgrade revised figure is now \$18,000 and the Computer study is dropped with the police upgrade reduced to \$6,000.

Norm discussed the E-911 communication center and felt it could be bonded.

Sidewalks- Nancy felt they should be contingent on override and moved down the list. Ann wanted them off the list.

Four Wheel Drive - Bill felt we could not justify the 4-wheel. Dore' questioned the dire need expressed last year for replacement. Nancy spoke in support of the purchase.

Impact Fee Bylaw - Anne questioned the possibility that it should come off unless it would be useful for negotiating.

Summer Help - This money includes a Engineering CAD Operator.

Mobil Data Units - Norm asked if it could be bonded - Nancy Tavernier thought it was too small.

Exhaust Fire - Dore' felt comfortable doing West this year and holding off on the other two stations.

Loader - No comment -no detail - Bill asked to bond this purchase.

Alarm Panel - No comment

Municipal HVAC - No comment

Sign Truck - Bond?

Traffic Signal- no comment

· Mobil Data terminal - no comment

Exhaust Fan South Acton - No Comment

Cemetery Bldg. - A vote to redesignate money to reflect change - warrant article needed.

Garage Roof Police Station - No comment

Kelly Corner - No comment

Expansion Library - This would include money for a study of expansion of the footprint.

Paving - Dore' asked if the money could be subdivided and noted it does not reflect Chapter 90 funds.

1 Ton truck replacement- No comment

Hydrology - No comment

Fire Prevention Officer - Dore' questioned the need. Anne noted our placement of Fire services as compared to other communities. The Board agreed to strike this item.

Memorial Library Additional Labor - to group in override question.

Landfill Cap - Strike

Side saddle truck - strike

Bill felt that capital should be bonded and salaries put in operating budget, and to group remaining items in an override question.

Don asked the Selectmen to send him any remaining concerns on the grouping of the items before Friday noon so that he could incorporate them into a updated list for Tuesday.

#### PRELIMINARY WARRANT ARTICLE DISCUSSION

Dore' suggested the Board hold a special meeting on Tuesday to continue the budget discussion as well as to discuss the warrant. The Board will reconvene on Tuesday, February 22, at 7:30 to continue.

#### CONSENT CALENDAR

NORM LAKE - Moved to accept the Consent Calendar as submitted. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

## SELECTMEN'S BUSINESS

MPCC - Anne offered to organize and plan the meeting for the Chamber. Dore' offered to chair. Bill Lawrence will remain the liaison. NANCY TAVERNIER - Moved to accept the items listed under Item four of Anne's memo (attached) BILL MULLIN - Second. UNANIMOUS VOTE

GIRL SCOUT REQUEST - The Board had no problem with this request.

COFFEE SALES AT COMMUTER LOT - The Board did not have a problem with this request. Staff was asked to contact the requestor to let her know that a canteen truck currently is servicing the lot.

MARSHALL PARCELS - NANCY TAVERNIER - Moved to not exercise the Town's Right of First Refusal with respect to Lots 8, 9 and 10 Carlisle Road - NORM LAKE - Second. UNANIMOUS VOTE.

## TOWN MANAGER'S CONCERNS

NARA - Don asked if the Board wanted to handle this project the same as Town hall Expansion/renovation. The Board agreed that it would be best handled in the same manner. Nancy Tavernier will be the Board member assigned for review purposes.

## EXECUTIVE SESSION

BILL MULLIN - Moved to go into Executive Session for the purpose of discussing potential litigation.

The Board adjourned at 11:45 P.M.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
Christine Joyce  
Recording Secty.  
cmjW11-(488)

**EXECUTIVE SESSION  
FEBRUARY 15, 1994**

**MOBIL OIL SIGN**

Don Johnson briefly discussed the West Acton sign issue. He asked the board for authorization to have counsel draft a letter to tell them to get the sign removed as the Building Commissioner feels that they are stalling. Anne asked that she be allowed to call Ann Forbes of LHDC to ask them to take the advice given by staff.

Anne asked if it was something we really needed to pursue. Don and Dore' felt we should hold them to the same standards as Acton has.

The Board adjourned at 12:00 P.M.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
Christine Joyce  
Recording Secty.  
cmjW11-(488)



FEBRUARY 11, 1994

TO: Board of Selectmen  
FROM: F. DORE' HUNTER, Chairman  
SUBJECT: SELECTMEN'S REPORT

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AGENDA

ROOM 204

FEBRUARY 15, 1994

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 CHAIRMAN'S MINUTE
2. 7:32 BOSTON EDISON - Nagog Hill Road - Enclosed please find petition information and staff comment for Board action. This paper work formalizes the Emergency Hookup that the Board previously approved.
3. 7:33 BOSTON EDISON - Horseshoe Dr. - Enclosed please find petition information and staff comment for Board action. This paper work formalizes the Emergency Hookup that the Board previously approved.
4. 7:34 BOSTON EDISON/NEW ENGLAND TELEPHONE - School Street - Enclosed please find petition information and staff comment for Board action.
5. 7:35 BOSTON EDISON/NEW ENGLAND TELEPHONE - Hosmer Street - Enclosed please find petition information and staff comment for Board action.
6. 7:45 ACTON COMMUNITY HOUSING CORP. - The ACHC will be in to update the Board on the Adams Street project.
7. 8:00 FY95 BUDGET AND WARRANT DISCUSSION

III. SELECTMEN'S BUSINESS

8. MPCC - Enclosed please find minutes from Vice-Chairman Fanton outlining recommendations and future of MPCC as well as offering to organize the Annual Meeting proposed under Item 4.



9. GIRL SCOUT REQUEST - Enclosed please find a request on behalf of the Girl Scouts to sell cookies at the commuter lot on March 4 from 5-7 P.M. for Board action.
10. PROPOSED COFFEE SERVICE - Enclosed please find a request and staff comment on the application of Ms. Hillstrom to sell coffee at the commuter lot.
11. MARSHALL PARCELS - Lots 8,9, and 10 - Enclosed please find the notification under MGL 61 section 8 that the MSM Trust has received a bona fide offer to purchase as well as staff comment regarding these three parcels for Board review and action. A Locus Plan will be available for Board review on Tuesday evening.

#### IV. CONSENT AGENDA

12. MINUTES - Enclosed please find minutes of January 4, 1994 for Board approval.
13. ONE DAY LIQUOR LICENSE - Enclosed please find a request for a One Day Liquor License from the Congregation Beth Elohim Sisterhood for a One Day Liquor license in conjunction with their Passover Food and Wine Sale or Board Action.
14. THANK YOU LETTER - Enclosed please find a letter drafted by Anne Fanton to those that participated in the preparation of the Amicus brief for Board review and action.

#### V. TOWN MANAGER'S REPORT

15. NARA- Enclosed please find staff correspondence regarding the NARA. The Town Manager will seek Board direction on the issue raised in the memo.

#### VI. EXECUTIVE SESSION

The Town Manager has asked for an Executive Session.

#### MEETINGS

- April 10, 1994 2-4 P.M. - Open House Senior Center  
PLEASE NOTE!!

#### ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

## FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

### March 1, 1994

Kennedy Lane - Street Acceptance  
Saab Class I review

### March 15, 1994

Metropolitan Deli - Special Use Permit  
Common Vic  
Costa Donuts - Special Use Permit  
Common Vic.  
NARA/Bldg. Commissioner Public Meeting

824 acs

3/15/94  
⑪

**SELECTMEN'S MEETING  
FEBRUARY 22, 1994**

The Board of Selectmen held a special meeting on Tuesday, February 22, 1994 at 7:30 P.M. Present were F. Dore' Hunter, Anne Fanton, William Mullin, Nancy Tavernier, Norm Lake and Town Manager Johnson.

{Representatives from cable were not present}

**CITIZENS' CONCERNS**

None expressed

**PUBLIC HEARINGS AND APPOINTMENTS**

**NONE SCHEDULED**

CONTINUATION OF BUDGET DISCUSSION - Dore' spoke about the overlay amount being so high at \$650,000. Nancy too felt this money needed to be freed up to use for the budget. She felt the legislature needs to know that this is something that needs to be addressed and will use Acton as an example when she testifies at the hearing.

Don discussed the bonding issues that they have been talking about. He urged the Board to discuss priorities and merit without discussing financing at this time and review the options after the decisions have been made.

Dore' asked if the cemetery building could be self funded. Don updated the Board and suggested that the article be pulled and perhaps after examination of all issues it would not require Town Meeting action. He also stated the consolidation of services could be examined at a later date as well. Dore' felt that the building would need to be passed through town meeting since it was proposed for a different location and felt it could be handled at a Fall special or next Spring. Anne asked for clarification on the need expressed. Don explained it was complex as it required staff reorganization and union and non-union issues would need to be resolved.

Bill asked if the money set aside could be used for any other purpose. It was relayed that they had bonded the money and that it would have to be used for substantially the same purpose. NANCY TAVERNIER - Moved to defer the Cemetery Building. ANNE FANTON - Second. UNANIMOUS VOTE.

The Board further went on to discuss the issues raised in the Town Manager's Memo of 2/18 regarding funding cut off line.

NANCY TAVERNIER - Moved to use the interest from the Audubon Hill Gift to offset the expenses of COA for FY95. ANNE FANTON - Second. UNANIMOUS VOTE.

Item 3. Ladder truck - Nancy wanted to leave the door open if extra money came in to pay the annual bond payment for the truck.

Bill felt we needed to think about an override number and did not want to have it in excess of a million dollars inclusive of the local schools. Bill felt it is a solid approach and that it was a number with which the citizens would feel comfortable. He felt paving could be moved from debt exclusion.

Anne was uncomfortable with the ranking as outlined in Nancy's memo. Dore' asked if the Articles needed wording subject to override vote and do we need to specify it in the Article.

Nancy discussed the priority numbers and she felt we could stick with the list as developed by staff, Minuteman numbers would free up \$250,000, and the legislature will vote to issue increased Lottery and Education Aid monies.

Category one items should be guaranteed in the "B" Budget and Category two would be guaranteed/options - if additional funding or revenues are increased or through an override. Category three would be obtained through total option/override.

Anne felt we should try to stay within the list as prepared in the priority as developed by staff. However, she noted that Town Meeting had wanted to be involved in Capital purchases.

Norm felt that this list should remain in the same general order as developed by staff but would be against moving library desk up and sidewalks down the list.

Dore' felt we could move ahead and decide each item and change the list by moving items up and down later.

Bill felt some items needed to be addressed and endorsed Nancy's list and the moving up of the Ice House Pond.

ANNE FANTON - MOVED to leave the priority list essentially as it is presented. NORM LAKE - Second. 4-1 Bill Mullin NO.

NANCY TAVERNIER - Moved to group labor in a general override to restore the cuts on items 18, 19, 21, 30, summer help, library hours, planning hours. BILL MULLIN - Second. Motion Withdrawn.

Anne is opposed to the decision at this time because it effectively moves them lower on the list. She noted the poor ranking of our libraries' spending on a Per capita basis. She feels planning could be bringing us tax revenue if properly staffed. Nancy felt the

citizens would vote to restore cuts at .6 per/1,000 or \$15/yr. on a \$250,000 home.

Norm asked if Nancy could be convinced to change override and pass over if voted in B-Budget on items 18, 19, 20, 21.

NANCY TAVERNIER - Moved to move the Impact Fee Bylaw to follow Kelly's Corner below #34. BILL MULLIN - Second. DORE', Norm and Anne No 2-3. Motion lost.

BILL MULLIN - Moved to put Ice House following Item 23. NANCY TAVERNIER - Second. Anne asked if the \$30,000 assumed money from the grant. Don said this would be for draining and dredging. Federal money would be for seed money to control flooding. Nancy felt it could be endorsed as Ballot question and Article. - 2-3 Motion fails.

NORM LAKE - Moved to delete the 4 wheel drive and group with Ladder truck for bonding. ANNE FANTON - Second. UNANIMOUS VOTE

NANCY TAVERNIER - Moved to delete 42-52 with the exception of Ice House Pond (51) and not to present them even if additional monies developed. NORM LAKE - Second. UNANIMOUS VOTE.

BILL MULLIN - Moved to move the command vehicle down to #36 after existing 35. NANCY TAVERNIER - Second. Nancy felt we really needed a 4 Wheel vehicle. Bill felt that voters already said no once. 3-2 BILL/ DORE' NO.

BILL MULLIN - Moved to include the Ladder truck as debt exclusion contingent motion for override. NANCY TAVERNIER - SECOND. UNANIMOUS VOTE.

NANCY TAVERNIER - Moved to include the Computer upgrade #7 in the operating budget. BILL MULLIN - Second. UNANIMOUS VOTE.

NANCY TAVERNIER - Moved to place the Snow guards in the budget. BILL MULLIN - Second. UNANIMOUS VOTE.

E-911 - Place in warrant article, bonded  
Bridges - Combine bonded, not overridden  
Bill felt not to separate- but in operating budget.  
Library Motar - in Budget  
Engineering Van - Warrant article  
Sidewalks - Warrant article - Bill wanted it in  
the operating budget. Norm felt it should be  
warrant article. Anne did not want it in operating budget.  
4-Wheel Drive Vehicle - Article

Bill felt an aggregate cap should be placed on override issues for FY95.





**EXECUTIVE SESSION**

BILL MULLIN - Moved to go into Executive Session for the purpose of discussing litigation.

The Board adjourned at 11:45 P.M.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
Christine Joyce  
Recording Secty.  
cmjW11-(490)

EXECUTIVE SESSION  
FEBRUARY 22, 1994

MOBIL OIL SIGN

Anne updated the Board on her conversations with the members of the LHDC. She felt that the Commission was having great difficulty handling this and other sign issues. She felt part of it was due to lack of staff support and their lack of background on sign issues. She asked that either Garry or Roland be at the hearing on March 7th and that they get background of this issue to all members of the commission, and finally, to have staff give more than pro's and con's to the Commission. They have expressed that they want more guidance to assist in decision making.

Don felt that staff had been passing on recommendations from his conversations with both Roland and Garry.

The Board adjourned at 12:00 P.M.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
Christine Joyce  
Recording Secty.  
cmjW11-(490)

FEBRUARY 18, 1994

TO: Board of Selectmen  
FROM: F. DORE' HUNTER, Chairman  
SUBJECT: SELECTMEN'S REPORT

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AGENDA

ROOM 204

FEBRUARY 22, 1994

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. CONTINUATION OF BUDGET AND WARRANT DISCUSSION

III. SELECTMEN'S BUSINESS

IV. CONSENT AGENDA

V. TOWN MANAGER'S REPORT

VI. EXECUTIVE SESSION

MEETINGS

- April 10, 1994 2-4 P.M. - Open House Senior Center  
PLEASE NOTE!!

ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

March 1, 1994

Kennedy Lane - Street Acceptance  
Saab Class I review  
Boston Edison Representatives  
Board of Health- to discuss Health Programs

March 15, 1994

Metropolitan Deli - Special Use Permit  
Common Vic  
Costa Donuts - Special Use Permit  
Common Vic.  
NARA/Bldg. Commissioner Public Meeting

CHEZ CLAUDE RESTAURANT  
5 Strawberry Hill Rd.  
Acton, Ma. 01720

3/15/94

12

March 4th, 1994.

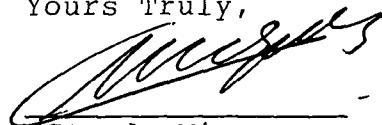
BOARD OF SELECTMEN  
TOWN OF ACTON  
ACTON, MA. 01720

Gentlemen:

We are requesting your authorization to serve  
alcoholic beverages on Easter Sunday, April 3rd.

Thank you in advance for your attention.

Yours Truly,



Claude Miquel  
F/Chez Claude Restaurant

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

3/15/94  
13

\*\*\*\*\*

DATE: March 3, 1994

TO: Roy Wetherby  
FROM: Don P. Johnson, Town Manager  
SUBJECT: Civil Defense Donation

The attached donation has been accepted by the Board of Selectmen on behalf of Civil Defense. Please see that it is properly credited.

*[Handwritten signature]*

HILDA H. FRANKLAND  
14 LILAC CT.  
ACTON, MA 01720

3230

Jan 23 19 94

53-7122/2113

PAY TO THE  
ORDER OF

*Civil Defence*

\$ 25 <sup>00</sup>/<sub>100</sub>

*Twenty Five*

*and* <sup>00</sup>/<sub>100</sub>

DOLLARS



MEMO

*Clearing Room*

*Hilda H Frankland*

⑆211371227⑆ 223300238⑈ 3230

GRAYSTONE

3/15/94

14

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION

DATE: March 9, 1994

TO: Don P. Johnson, Town Manager  
FROM: Garry A. Rhodes, Building Commissioner - JAC  
SUBJECT: Amendment to SPSP #7/15/86-277  
171 Great Rd. AC Cheverolet

I am in receipt of a request to amend the Site Plan Special Permit for AC Cheverolet. The owner is requesting that the gate located at the entrance to Estabrook Road be opened to allow vehicles to use the road. Mr. Moran proposes to rent the back building located on the site to a daycare. I have highlighted both the gate and building for your reference. The decision provides for amendment under section 3.6 which reads as follows:

Amendment of Permit - The Board hereby reserves its powers to modify or amend the terms and conditions of this special permit upon its own motion or on the application of the owner, lessee, or mortgagee of the premises. The Board further reserves its powers to amend this permit without a new public hearing provided the Board finds that such amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose and intent of the Bylaw or with the terms of this permit.

I would like to remind you that this special permit was appealed in court and an agreement was reached between the owner and the Town. The request centers around a condition of the settlement that requires the owner to keep the driveway onto Estabrook Road closed. It can only be opened with the prior consent of the Board of Selectmen. It was my understanding that it was keep closed to prevent vehicles from being tested on Estabrook Road.

I would propose that the Board of selectmen hold a public hearing so all abutters can be notified. Any direction that you can provide would be appreciated.

# ACTON SURVEY & ENGINEERING, INC.

JOHN E. DUNPHY, JR., President

**P.O. BOX 666 • ACTON, MASS. 01720**

March 7, 1994

Mr. Garry Rhodes  
Acton Building Commissioner  
Acton Town Hall  
472 Main Street  
Acton, MA 01720

Re: Site Development Plan #7/15/86-277  
Robert Moran/ AC Cheverolet

Dear Mr. Rhodes;

On behalf of our client, Mr. Robert Moran of Concord, MA, we hereby request a further modification of provision 1.1 of the Board of Selectmens approval voted in executive session on July 14, 1987, a copy of which is attached. The requested modification is to allow the gate on Esterbrook Road to be opened during week days to service the rear, "free-standing" building.

Mr. Moran has been approached by Arlene Carroll of Acton, who wishes to lease the building for purposes of relocating an existing day care facility to that location. The modification being requested is to allow the day care facility to use Esterbrook Road driveway for drop-off in the morning and pick-up in the afternoons. I have enclosed a copy of the reduced Site Plan of the total facility which shows the proposed day care building, its parking and Esterbrook Road.

If any additional information would be helpful, please contact me.

Very truly yours,

ACTON SURVEY & ENGINEERING, INC.

*John E. Dunphy, Jr.*  
John E. Dunphy, Jr., President.

JED:m  
Enc.

File No. 1688

Office: 277 Central Street, West Acton (508) 263-3666

RECEIVED

MAR 7 1994

ACTON BUILDING INSPECTOR.



DON P. JOHNSON  
TOWN MANAGER

TOWN OF ACTON  
TOWN HALL  
472 MAIN STREET  
ACTON, MASSACHUSETTS 01720  
TELEPHONE (617) 264-9612

BOARD OF SELECTMEN  
DONALD R. GILBERTI - CHAIRMAN  
WILLIAM F. WEEKS - VICE-CHAIRMAN  
CHARLES E. KOSTRO, JR. - CLERK  
F. DORE HUNTER  
NANCY E. TAVERNIER

July 23, 1987

AC Chevrolet  
177 Great Road  
Acton, MA 01720

ATTENTION: Mr. James Hermance

SUBJECT: Site Development Plan #7/15/86-277 (GILBERTI)  
Robert Moran/AC Chevrolet

Dear Mr. Hermance:

On July 14, 1987 the Board of Selectmen, in Executive Session, reviewed my memo of June 30 in the subject regard (copy attached). They also considered the comments of your attorney, Mr. Burford, contained in his letter of July 9 (copy also attached).

The Selectmen determined that the content of my correspondence fairly represented their intentions; however, in response to Mr. Burford's concerns, they agreed to the following revisions:

A) Revised Paragraph 1.1 shall read as follows:

"1.1 ENTRANCE DRIVEWAY: The petitioner shall consult with the Town Engineer and Town Planner regarding revision to driveway facilities onto Estabrook Road. The plan shall be modified to eliminate this site access/egress through the installation of suitable fencing and a locked gate(s). The petitioner shall obtain written approval of the revised design from the Town Engineer and Town Planner and shall provide written assurance to the Board of Selectmen that the gate will remain securely locked at all times and shall be opened only with the prior consent of the Board of Selectmen."



B) Revised paragraph 2.2 shall read as follows:

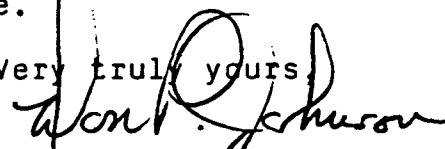
"2.2 PARKING LIMITATIONS: There shall be no parking or display of vehicles on any of the landscaped or open space areas. Vehicle parking and storage shall be conducted only on paved surfaces and in the areas so designated by the revised site plan. Vehicles shall be situated within the painted lines designating spaces and the quantity of vehicles shall conform to the number of spaces provided. In the alternative, if the petitioner submits a revised plan designating some specific area(s) for inventory storage or similar purposes and clearly specifies the maximum number of vehicles in that area(s) at any given time, the Board of Selectmen will consider an appropriate alteration of this condition".

All other aspects of my June 30 letter remain unchanged.

The Board of Selectmen feel that the proposed changes in the original approval represent a reasonable compromise that adequately considers your concerns yet maintains the integrity of their decision with regard to the issues addressed. I trust that we have reached mutually acceptable terms and look forward to your response.

As with previous correspondence, I am handling this letter as CONFIDENTIAL due to the litigation issue.

Very truly yours,

  
Don P. Johnson, Town Manager

DPJ/acs

cc: BOS/CONFIDENTIAL  
Norman Cohen, Palmer & Dodge  
Jane Mahony, Confidential  
David Abbt, Confidential  
Garry Rhodes, Confidential  
Robert Craig, Confidential  
George Robinson, Confidential

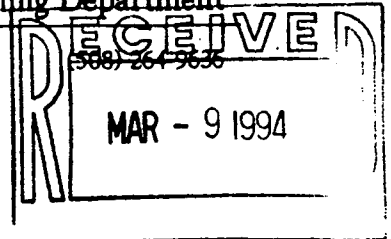
*Withdraw*  
*Seth Case*



3/11  
BOS - I AM FORWARDING THIS MEMO  
FOR YOUR INFORMATION. THERE IS SOME  
CONFUSION AMONG STAFF SO I DO NOT SEEK  
ANY ACTION AT THIS TIME... ONLY AWARENESS.

Town of Acton WHEN WE HAVE OUR ACT TOGETHER  
WE WILL BRING THE SUBJECT BEFORE  
YOU, IF APPROPRIATE/NECESSARY.  
472 Main Street Acton, Massachusetts 01720

URGENT  
Planning Department



INTERDEPARTMENTAL COMMUNICATION

TO: Don P. Johnson, Town Manager DATE: March 9, 1994  
FROM: Roland Bartl, AICP, Town Planner R.B.  
SUBJECT: Street Improvements in connection with pending Subdivision Approvals

Since the Board of Selectmen are the Road Commissioners, I am notifying you of a number of changes in existing streets which the Planning Board will likely require as conditions of approval of two subdivisions. Please bring this to the attention of the Board of Selectmen as soon as possible. The Planning Board is operating under a deadline to issue decisions this month. I want to make sure that these improvements do not meet any objections among the Board of Selectmen:

1. In connection with the proposed subdivision between Newtown Road and Washington Drive (see attached plan #1): The subdivision consists of two cul-de-sac streets. One is the proposed McKinley Drive Road coming in from Newtown Road. The other is an extension of Washington Drive. There will be an emergency connection and pedestrian way between the two. Two significant changes within existing streets are sought by the Planning Board. Both would be made by the subdivision proponent as part of the subdivision work. I am fairly confident that the proponent will not object to them.
  - a) The proposed McKinley Drive would intersect with Newtown Road just a few hundred feet west and on the opposite side of Evergreen Road. As you probably know, Newtown Road leads over a hill in this location and sight distance is not good. To correct this sight distance problem, which would be aggravated by the proposed subdivision, the Planning Board is looking to lower the grade of Newtown Road by a couple feet over the crest of the hill and raise the grade by a couple of feet just west of this hill.
  - b) The proposed Washington Drive Extension leads off the existing Washington Drive cul-de-sac turn around and would have a new turn around at its end. This new turn around would not be a "bubble", but a t-shaped turn around closely conforming to the current Subdivision Rules. Following deliberation, the Planning Board is looking to remove the pavement in the existing turn around, since a new one will be constructed. There needs to be no change in the street layout. The subdivision proponent would have to adjust drainage as necessary, replace curbing at the new pavement edge, and connect one driveway to the new pavement edge. I have consulted with Bob Craig in this matter. He does not see a need to maintain the old turn around. I have not spoken to Dicky, since he is on vacation at this time. However he was deeply involved in developing the new Subdivision Rules' specifications for turn arounds. The abutter whose driveway would have to be lengthened spoke out against removal of the turn around because he wouldn't want to own or maintain the land, or be

responsible for more driveway. Since no change in the layout is proposed he would not end up owning more land, but his driveway would be longer. Engineering mentioned the usefulness of the turn around as a play area or basketball court.

These considerations must be weighed against the continued maintenance responsibilities, including snow plowing, if the "bubble" remains in place. It was my recommendation to the Planning Board to seek its removal, in order to eliminate this maintenance responsibility for a seemingly useless piece of roadway. I also believe that it is simply bad street design to leave the "bubble" in place.

2. In connection with the proposed McGovern Estates subdivision (see attached plan #2): This subdivision is an extension of Overlook Drive which itself is part of the new Meadow View subdivision off Robins Street. The proposed new houses would be in violation of the Subdivision Rules' limit of 40 houses on a single access. Due to the extensive flood plains and wetlands in the area no other access is available. In those situations, the Subdivision Rules provide that the Planning Board may require improvements in the existing access ways. The single access here is Robins Street. The Planning Board has not finally decided on this issue, but it is considering two options short of denying the plan. Both may fall through if abutters on Robbins Street do not cooperate by granting easements. The first option is a sidewalk along Robbins Street, for which permanent easements are required. The second option is to lower the grade of Robbins Street at one location where the sight distance is particularly bad. This would require temporary construction easements. Either improvement would be made by the subdivision proponent as part of the subdivision work. I am fairly confident that the proponent will not object to either one.

Please let me know if the Board of Selectmen have any difficulty with these proposed improvements. I must know as soon as possible.

xc: David Abbt  
Planning Board

[RHB.IDC.94\*20]

cc: BOS

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

### INTERDEPARTMENTAL COMMUNICATION

TO: Conservation Commission DATE: March 2, 1994  
FROM: Roland Bartl, AICP, Town Planner R. B.  
SUBJECT: Emergency Connection between proposed Washington Drive Extension  
and proposed McKinley Drive

---

The Planning Board on February 28, 1994 proceeded with the public hearing on the above named subdivision proposal and continued it to March 14, 1994 at 8:30 PM.

The proposed emergency connection, which has been urged by the Fire Chief and by the Planning Board has been relocated to where significantly less wetlands disturbance would occur. I believe that this is a very positive step forward that should lead to a workable compromise between three important public interest goals: wetlands protection, public safety and pedestrian connectivity between neighborhoods.

I very much hope that you will look favorably upon the proposed emergency connection. It is my understanding that the amount of wetlands filling needed to accommodate the emergency connection is now estimated at  $\pm$  300 square feet, less than half of what was needed in the previous location.

Please note that this emergency connection could serve as an alternate emergency access to approximately 135 homes in the Washington and Lincoln Drive neighborhoods. These homes are currently accessible only via Musket Drive near Main Street and via Lincoln Drive at the very opposite end far from the center fire station. While the Town has lived with this situation for many years, it is my understanding from the Fire Chief that it is a deficiency from a public safety standpoint. The proposed subdivision presents us with the unique opportunity to correct this deficiency.

I believe that the Fire Chief is in a much better position to answer most of your questions raised in your Feb. 2 letter. However, I would like to point out that emergency ways such as the one discussed here are investments made for the purpose of prevention and precaution. We are all better off if they never need to be used. It is also important to understand that while emergency ways may seem impassable for automobiles, they are in fact still passable for fire equipment and their crews. As shown on the plans reviewed by the Planning Board on February 28, the Town would have ownership of the emergency connection along with the proposed new streets. This reflects what the Planning Board had requested from the applicant. As usual, maintenance of the emergency ways will be minimal and limited to occasional brush cutting every few years. Since the Town will own it, the Town will maintain it as needed.

xc: Planning Board, Fire Chief, Town Manager ✓

[RHB.IDC.94\*13]

CC: BOS

# MASS HIGHWAY

William F. Weld  
Governor

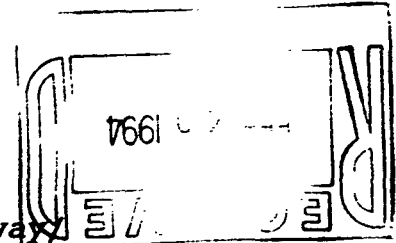
Argeo Paul Cellucci  
Lieutenant Governor

James J. Kerasiotes  
Secretary

Laurinda T. Bedingfield  
Commissioner

February 28, 1994

Donald P. Johnson, Town Manager  
Town of Acton  
472 Main Street  
Acton, MA 01720



Re: Adopt-A-Highway/  
Rest Area Programs

Dear Mr. Johnson:

The Mass Highway Department has joined other states by implementing the Adopt-A-Highway/Rest Area programs. These innovative programs allow citizens to "adopt" or maintain a section of highway or rest area/visibility site at least once a month. In recognition of the groups efforts, the Department erects a sign identifying the group for their contribution for maintaining Massachusetts roadsides.

I would like to extend an invitation to the Town of Acton to help implement these important programs for your surrounding area. The benefits these programs have received are both beneficial for your community and the Commonwealth.

Please join our efforts for a cleaner environment and for maintaining our roadsides.

If you should have any questions or need additional information, please contact Maureen L. Cote, Adopt-A-Highway/Rest Area Manager at (617) 973-7659 to discuss this important program further.

Sincerely,

*Ross B. Dindio*

Ross B. Dindio, P.E.  
Chief Engineer

Enclosure:



## Adopt a Highway

program

Team up to clean up

The Massachusetts Highway Department thanks each volunteer for making our state a better place to live.

For more information  
call (617) 973-7659.



Governor  
William F. Weld

Lieutenant Governor  
Argeo P. Cellucci

Secretary of Transportation  
James J. Kerasiotes

Commissioner  
Massachusetts Highway Department  
Laurinda T. Bedingfield

In cooperation with:  
Governor's Highway Safety Bureau

Adopt-A-Highway Manager  
Maureen Cote

Design • Rosanne Baratta Yates  
Photography • Rose Marston

## Safety Guidelines

*Maintaining our roadsides requires special safety precautions. Please take these guidelines seriously.*

- All participants are required to attend a safety training session, administered by Department personnel.
- There must be 1 adult supervisor for every 4 participants under the age of 15, and one adult for every 6 participants between the ages of 15-17.
- Litter pickups should only be done during the daylight hours and in good weather.
- Groups must have a first aid kit and an adequate supply of drinking water with them.
- Group leaders must know where the closest telephone and emergency center or hospital is in case of an emergency.
- A car must be available in case of emergency.
- Groups should carpool to the site to minimize the number of cars on the roadside. Participants should wear safety belts when traveling.
- Participants must park on the same side of the road where they are working; work on one side of the roadway at a time and face oncoming traffic whenever possible.
- Participants must wear gloves, protective shoes, light colored protective clothing and safety vests at all times.
- Participants should watch their footing; avoid holes, obstacles and steep slopes.
- A litter wand must be handled and used with care. Do not let your attention be distracted when using this tool. Keep the wand pointed toward the ground, angled ahead and away from your legs and feet. Adults must carefully supervise children when using the litter wand.
- Participants should not pickup items on bridges, tunnels, medians or on overpasses.
- Participants should not pickup toxic substances or dead animals.
- Participants should not attempt to remove large or heavy material.
- Participants should not pickup discarded syringes or hypodermic needles.
- Participants should avoid contact with poison ivy, poison oak and other noxious weeds by wearing long sleeve shirts with buttoned cuffs and trousers.
- Participants must stay clear of any mowing operations, maintenance or construction activities.
- Groups should not overfill trash bags. Crushing trash to make more room could cause personal injury.
- Headsets are not allowed.
- No horseplay of any type will be tolerated.
- No intoxicating liquids or illegal drugs are allowed.

## Qualifications

All participants are required to attend a safety training session, administered by Department personnel. Every Adopt-A-Highway group should have at least six members.

Participants must be:

- at least 11 years old.
- mentally alert; have good common sense and be responsible.
- in good physical condition; including sight and hearing.

## What to wear

- Safety vests must be worn at all times.
- Light colored or reflective clothing (long sleeves recommended).
- Protective shoes and gloves.
- Beware of the sun; wear a hat and long sleeves and use sunscreen.

- Always notify maintenance supervisor 48 hours before doing litter pickup.

- Go over safety guidelines before every litter pickup.

## Volunteer do's

- Carpool to the site to reduce the number of vehicles.

Participants should wear safety belts when traveling.

- Park all vehicles on the same side of the highway that the crews are working. Park off the roadway and at least ten feet from the shoulder's surface where possible.

- Face oncoming traffic; stay alert and be prepared to move in case of emergency.

- Work only during daylight hours and in good weather.

- Avoid over exhaustion. Drink plenty of water.

- Watch your footing; avoid holes or other obstacles; stay off steep slopes.

- Bring along an adequate first aid kit; identify the nearest hospital and know how to get there in an emergency.

## Volunteer don'ts

### Don't:

- purposely distract drivers in any way.

- cross traveled sections of roadway.

- pick up discarded syringes, hypodermic needles or dead animals.\*

- attempt to pick up items on bridges, tunnels, medians, or on overpasses.

- attempt to remove heavy, large or hazardous materials.\*

- enter the roadway or its shoulder area, paved or unpaved to pick up litter.

- work during inclement weather, especially in times of reduced visibility and wet/icy roads.

\*When encountered, contact your MassHighway representative.



## Team-up to clean-up!

Adopt-A-Highway is a public service program for volunteers to team-up to pick up litter along our roadways.

Each volunteer team "adopts" a two mile section of highway and removes litter at least once a month from April 15th to November 15th.

In recognition of the teams efforts, the MassHighway Department erects signs identifying the adopting group for their contribution towards keeping Massachusetts clean.

**TOWN OF ACTON**  
**Inter-Departmental Communication**

DATE: March 10, 1994

TO: Don P. Johnson, Town Manager  
FROM: Fire Chief  
SUBJECT: Regional Dispatch Funding

Don:

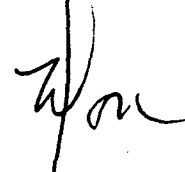
Please be advised relative to your recent inquiry, I have checked with the Chairman of the Legislative Committee for the Fire Chiefs Assn. of Massachusetts as well as with the current President of the District 14 Chiefs Assn. relative to recently passed legislation providing funding assistance for regional dispatch centers. These sources have reported that they are not aware of any legislation of this type.



Robert C. Craig  
Fire Chief

CC: BOS-

THIS QUESTION CAME FROM A BOARD MEMBER RECENTLY.



TOWN OF ACTON POLICE DEPARTMENT  
INTER-DEPARTMENTAL COMMUNICATION

TO: George W. Robinson COP      DATE: March 7, 1994  
FROM: Raymond P. Grey  
SUBJ: Regional Dispatch

---

At your request I spoke with Legislative Aid Mark Finnegan of the Public Safety Committee. Mr Finnegan stated the only legislation passed dealing with regional dispatch had to do with E911. Agencies presently operating under regional dispatch center will get one piece of E911 equipment and the equivalent monies to the appropriate towns as compensation for not needing any equipment. Funding will come directly from NYNEX to the cities or towns. Funding is only available for agencies that have regionalized prior to E911 legislation being passed in 1992. For example the fire department handles dispatch responsibilities for the town of Boxboro. Acton will receive the equipment and Boxboro will receive the equivalent in monies.

*Don*



cc: BOS

TOWN OF  
STONEHAM  
MASSACHUSETTS

TOWN HALL  
35 CENTRAL STREET  
STONEHAM, MASS. 02180

February 23, 1994

Board of Selectmen  
Town Hall  
472 Main St.  
Acton, MA 01720

Dear Board Members:

I would appreciate your support for ending the inequity of the MBTA assessment. This travesty has gone on too long. The Governor and the Legislature must act now to resolve an unfair and outdated funding formula.

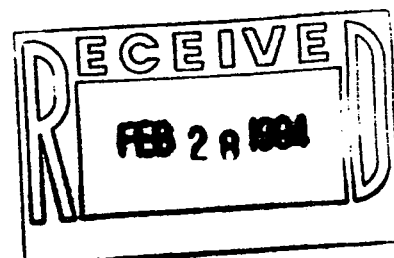
Thank you for your support in this matter.

Sincerely,

  
Jeffrey D. Nutting  
Town Administrator

JDN:az  
Enc.

cc: Stoneham Board of Selectmen





TOWN OF  
STONEHAM  
MASSACHUSETTS

TOWN HALL  
35 CENTRAL STREET  
STONEHAM, MASS 02180

February 14, 1994

His Excellency William F. Weld  
Governor of the Commonwealth  
State House  
Room 360  
Boston, Massachusetts 02133

Dear Governor Weld:

One of the reasons that America has survived as a nation is the fundamental belief that our government strives to treat everyone equally. Once our government fails in that effort then the people's faith in government is destroyed.

I am asking you to restore the faith of the residents of Stoneham in the Commonwealth of Massachusetts by correcting an injustice that has simply been ignored for too long.

The MBTA district consists of seventy-eight communities. The Town of Stoneham through no fault of its own is a member of the MBTA and along with twenty-two other communities pays an annual assessment to the MBTA yet receives no service, while fifty communities outside the MBTA district receive service and do not pay one penny.

There is no rational or reasonable explanation for this travesty and it must be stopped immediately. While you talk about extending commuter rail to the south shore and west to Worcester, the residents of Stoneham suffer with a \$511,000 assessment and no service. The commuter rail should be expanded only after this injustice is resolved.

Would you pay a bill to the State for a service that you never received and think it was okay for the State to provide that same service free to your neighbor? One example is that the towns of Concord and Acton receive the same commuter rail service, Concord pays an assessment and Acton does not.

The MBTA and commuter rail serves over 4,000,000 residents of the Commonwealth. It has transformed from a regional to a state-wide transportation system. No one should argue with the idea of expanding public transportation. The only argument is over the unfair funding of the MBTA.

The Town was previously reimbursed on the Cherry Sheet for up to eighty-five percent of our assessment because direct service was not provided to Stoneham. However, the legislature decided to end that practice in the late 1980's.

Some people say that we should have the reimbursement restored, others think a comprehensive study on the assessment formula should be conducted, while others ask why the communities with free service don't pay their fair share. I can't agree with any of those approaches.

The reimbursement method does not solve the underlying problem of an outdated assessment formula. Asking the cities and towns that receive free service to pay will place an undue hardship on those communities, I don't think that Attleboro, Franklin or any of the other forty-eight communities that receive free service should begin paying for the service. Finally, a study is not needed.

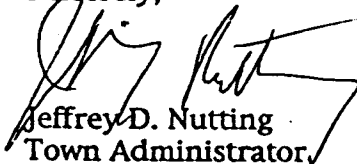
The simplest and fairest solution is to have the Commonwealth assume the \$125,000,000 assessments to the cities and towns within the State budget. This could be accomplished over the next four years by allocating \$31,250,000 in this year's budget and increase the appropriation each year until the entire cost is borne by the Commonwealth by FY98.

Your proposed FY95 State budget of \$16.1 billion dollars could certainly absorb \$31,250,000 or 1/5 of one percent of the proposed State budget.

The time to end this ridiculous situation is now. I ask that you amend your FY95 proposed State budget to include \$31,250,000 for the State takeover of the MBTA assessments.

I respectfully request an opportunity to meet with you to discuss this in greater detail. I look forward to hearing from you in the immediate future concerning this issue.

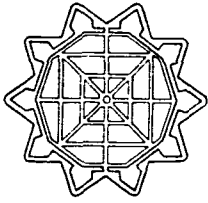
Sincerely,



Jeffrey D. Nutting  
Town Administrator

JDN:az

cc: Stoneham Board of Selectmen  
Senator William Bulger  
Representative Charles Flaherty  
Senator Robert Havern  
Senator Richard Tisei  
Senator Stephen Karol  
Representative Paul Casey  
Representative Patrick Guerriero  
Theodore D. Mann, Chairman, MBTA Advisory Board



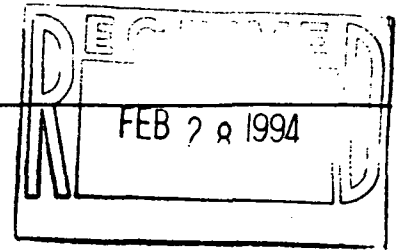
**Massachusetts  
Municipal  
Association**

Sixty Temple Place

Boston, Massachusetts 02111

(800) 882-1498

(617) 426-7272 FAX (617) 695-1314



cc: BOS

February 25, 1994

Dear Local Official,

We are writing to ask your community's assistance in advocating for three important MMA efforts: promoting a state-local revenue sharing policy that includes removing the cap on lottery funds for towns and cities; fixing key flaws in the 1993 school finance law; and increasing the municipal share of state gas tax revenues. The MMA will be working vigorously during the spring and summer to ensure that these vital local initiatives are addressed on Beacon Hill.

Enclosed please find background information and sample resolution language on these important issues. Because these matters are of direct concern to you, we are asking your help in explaining these issues to your local government colleagues, citizens, the press, and state officials.

We ask that town meetings and boards of selectmen record their support of these initiatives. Town officials may place the resolution language on their town meeting warrants, or if warrants have closed, they may make a brief presentation to town meeting members, and move to adopt a resolution. If your town's meeting date has passed, we ask that the board of selectmen adopt a resolution at a regular meeting.

After taking action on these issues, please send a copy to the MMA office, send a letter and copy of the resolutions to your legislators and the governor, and share the results with your local media.

Thank you for your participation in working toward a more balanced local-state relationship, with a greater share of state and gas tax revenues, our full share of lottery funds, and the flexibility needed to implement education reform without harming other municipal services. We will provide information on future developments in these areas. If you have any questions, please contact the MMA's Legislative Services Division.

Sincerely,

Geoffrey C. Beckwith  
Executive Director

# MASSACHUSETTS MUNICIPAL ASSOCIATION

## MMA Revenue Sharing Proposal

[model resolution included for town meeting warrant]

There is currently no local aid policy in place to guide state and local officials on how state tax revenues and lottery proceeds should be used to support local services. While the state has made a commitment to support local schools, there remains a need to strengthen this commitment and to ensure that cities and towns have sufficient non-property tax revenues to support other necessary local services, such as police and fire protection.

City and town officials voted at the MMA Annual Business Meeting this past January to approve a revenue sharing plan recommended by the Fiscal Policy Committee and the MMA Board of Directors. The plan includes a Local Services Trust designed to provide an adequate and secure source of funds to support local services. The plan would dedicate a portion of state tax revenues and lottery proceeds to fund the new Chapter 70 school aid schedule, a general revenue sharing distribution, and a gas tax distribution. The general revenue sharing provision would include a five-year phase-out of the current lottery diversion.

The model warrant resolution language on revenue sharing at the end of this document endorses the fundamental principles in this revenue sharing plan, and calls on the commonwealth to restore its commitment to local government by making these provisions law.

### Overview

The proposed revenue sharing plan has three parts. It holds: that the Chapter 70 school finance schedule needs to be funded in order to maintain and improve the quality of local schools; that general revenue sharing distributions need to be increased annually at the same rate as the state economy grows [as state taxes grow] so that cities and towns can maintain public safety and other necessary municipal services; and that a fixed share of gas tax revenues needs to be distributed so that municipalities can maintain local roads. The attempt here is to establish a revenue sharing statute that can shield revenues collected by the state for local government from the vagaries of the annual state appropriations process. A key element of MMA's plan is a five-year phase-out of the state's diversion of \$165 million in local lottery funds, returning these local aid dollars to cities and towns.

The revenue sharing plan would establish a Local Services Trust for the purpose of receiving and disbursing a source of funds for municipalities and school districts. A Local Services Trust Fund would also be established into which a portion of state tax collections and lottery proceeds would be deposited, and from which payments would be made. The revenues would be deposited in a trust and held for the benefit of cities, towns, and school districts. The funds would not be subject to appropriation by the Legislature. Within the trust fund would be four separate subfunds: the Local Schools Fund; the Public Safety and Municipal Services Fund; the Local Roads Fund; and the Local Services Stabilization Fund.

Cities, towns, and school districts would be notified by March 1 of the amount of trust fund distributions in the next fiscal year, and distributions would be made on a quarterly basis.

The amount of state tax collections and lottery proceeds that would be deposited in the trust fund would be based on a schedule of amounts necessary to fund the new school aid program and to provide a fixed share of state tax collections and motor fuel excises collections for local government. The trust fund would also include the Local Services Stabilization Fund, a stabilization or reserve fund to hold any surplus in years that when actual state tax collections or



lottery proceeds exceed estimates. These funds could be used in a year when actual collections fall short of projections.

The trust fund would not provide any revenue stream or funding structure for most local aid grant and reimbursement accounts. Funding of these accounts would remain subject to appropriation by the Legislature as is now the case.

### **The Local Schools Fund**

The Local Schools Fund amount for a fiscal year would be the Chapter 70 amount specified for that year in the new law. These funds could be appropriated only for the purposes of the education law and could not be used for other types of school spending or for non-school programs.

The Chapter 70 schedule calls for distributions to municipalities and school districts of about \$1.62 billion in fiscal 1995, about \$184 million over this year's level. Each year the schedule will be adjusted by increasing the base to account for inflation and by adding the addition amount [also adjusted for inflation] for that year. The addition amount for fiscal 1994 was \$140 million, and this amount increases to \$180 million by fiscal 2000.

### **The Public Safety and Municipal Services Fund**

The Public Safety and Municipal Services Fund amount for a fiscal year would be a fixed share [8.275 percent] of state tax collections plus any additional amount needed to eliminate the lottery diversion. These funds could be appropriated by local legislative bodies for any purpose.

The general revenue sharing amount for fiscal 1995 is equal to the higher of two amounts calculated using two rules; the "fixed share" rule and the "lottery diversion phase-out" rule. The fixed share amount is 8.275 percent of total state taxes for budget, excluding motor fuel excises and a portion of cigarette excises. 8.275 is the percent that additional assistance, lottery, and municipal stabilization aid in fiscal 1994 is of projected state tax revenues for the year. The "fixed share" rule, for fiscal 1995, would yield about \$57 million in additional distributions. The "lottery diversion phase out" rule would provide additional distributions in fiscal 1995 of all growth from state lottery fund products [\$60 million estimate] plus one fifth of the fiscal 1994 diversion [\$30 million estimate] for a total of about \$90 million in new funds. The "lottery diversion phase out" rule yields the higher amount [\$90 million] which would be added to the fiscal 1994 general revenue sharing base of \$825 million for a total of about \$915 million for fiscal 1994.

### **The Local Roads Fund**

This Local Roads Fund amount for a fiscal year would be 15 percent of motor fuel excises collections. These funds could be used only for local road projects and for a portion of municipal budgets tied to the policing of streets. The amount for fiscal 1995 would be about \$85.5 million.

## **MODEL WARRANT ARTICLE**

To see if the town of \_\_\_\_\_ will instruct its representatives to the General Court to support the Massachusetts Municipal Association's Revenue Sharing Plan to provide an adequate and secure source of funds to support local services by dedicating a portion of state tax revenues and lottery proceeds to fund the new Chapter 70 school aid schedule, a general revenue sharing distribution which includes a five-year phase-out of the current lottery diversion, and a gas tax distribution.

# MASSACHUSETTS MUNICIPAL ASSOCIATION

## Proposal for Changes to New School Finance Law

[model resolution included for town meeting warrant]

The new Chapter 70 school finance law enacted in 1993 places severe and unnecessary financial burdens on cities and towns, well beyond what good public policy and the Constitution of the commonwealth warrant. Many of the law's provisions are gravely flawed and must be changed in order to avoid harm to municipal services, such as police and fire protection, that could lead to diminished local voter support for schools.

City and town officials voted at the MMA Annual Business Meeting this past January to support a series of changes to the new law designed to reduce the intrusion of the state into local budget and taxation matters, to restore a measure of accountability of local school districts to local voters, and to provide cities and towns with additional flexibility in budgeting local services. MMA staff is currently drafting a package of amendments to the school finance law that will be filed this spring. Cities and towns are urged to place a resolution before their legislative bodies calling upon their representatives in the House and Senate to support the MMA school finance package.

The proposed changes to the new school finance law endorsed at the MMA Annual Meeting are based on the notion that the primary responsibility for educating children in the commonwealth properly resides with the voters, parents of school children, and local officials of a city or town where the interest in the quality of education and concern about results is most direct. The intrusion of the state into local taxation and budget decisions should be held to the absolute minimum extent necessary to fulfill the state's obligations under the Constitution. For the foreseeable future, the property tax and other local revenues levied and administered by cities and towns will continue to be the main funding component for education. Schools, together with other essential local services such as police and fire protection, libraries, and road maintenance make up the fabric of a community.

The Governor and the Legislature must amend the new education law to restore the accountability of schools to local legislative bodies, not to state agencies, for how the property tax and other locally-collected revenues are spent. The state should begin this reform process by taking the following steps:

- The state should eliminate school spending mandates on cities and towns that already spend more than benchmark amounts, such as the foundation budget;
- New general revenue sharing dollars that are needed to pay for essential public safety and other local services should be excluded from the state school spending mandate;
- School spending decisions should be made more accountable to local voters by requiring approval by the local legislative body of school collective bargaining contracts, and by separate approval of school spending that counts toward meeting the mandated minimum spending amount and spending that doesn't count toward meeting the minimum;

(over)

- Disincentives to sound financial and educational practices, such the current disincentive to incur debt even when it makes good fiscal sense or to provide student transportation and the disincentive to spend more than the minimum amount, should be eliminated;
- The state should increase, or at least maintain, its share of key school programs outside of the new spending mandate, such as the transportation of children and school building assistance;
- The state should make permanent the school spending mandate relief provision for municipalities experiencing extraordinary financial circumstances;
- The Governor and the Legislature should take all actions necessary to ensure that each city, town, and school district is notified by March 1 of the amount of Chapter 70 aid for fiscal 1995 and the minimum required local contribution amount; and
- The state should fix the many problems in the new school finance rules as they apply to regional school districts.

### **MODEL WARRANT ARTICLE**

To see if the town of \_\_\_\_\_ will instruct its representatives to the General Court to support the amendments to the new school finance law prepared by the Massachusetts Municipal Association for the purpose of: reducing the intrusion of the state into local budget and taxation matters; restoring a measure of accountability of local school districts to local voters; and providing cities and towns with additional flexibility in budgeting local services.

# MASSACHUSETTS MUNICIPAL ASSOCIATION

## Gas Tax/Transportation Bond Bill Funding

[model resolution included for town meeting warrants]

Over the past several years, the state has failed to meet its commitments to share with cities and towns the state motor fuels excises collections, mainly the gasoline excise. For FY '95, collections are expected to total \$555 million. Even when local roadway spending has been authorized, state reimbursements of local expenses have been delayed which has forced municipalities into costly borrowing.

State law requires that 15 percent of gas tax collections be distributed to cities and towns, with half of this amount (7 1/2%) earmarked for Chapter 90 roadway construction and repair. In addition, the state has customarily administered a reimbursement-based Chapter 90 program funded with state bond proceeds. Since FY '89, the state has only partially fulfilled its obligations. The result for communities has been, dangerously low account balances available for local road construction and reconstruction projects. In addition, the inconsistency of funding from year to year has also disrupted the local planning process and has led to significant delays in the completion of local road projects.

In FY'90, cities and towns received only about 7.5% percent of tax collections through the Cherry Sheet Highway Aid account. No Chapter 90 funds were distributed in this year. In FY'91, the Cherry Sheet account was zeroed out and Chapter 90 bond-funded spending authorizations were distributed. In both FY'92 and FY'93, the Cherry Sheet account was fully funded and Chapter 90 bond authorizations were again distributed. In these years, the local share of the motor fuels excise matched the statutory requirement of 15%, in addition to the Chapter 90 bond program. In FY'94, cities and towns received only 7 1/2% of the Cherry Sheet Highway Aid, and the same holds true for FY'95. The Governor has recommended only funding the Chapter 81 account for FY'95.

A Transportation Bond Bill (H. 1033) is currently under review by the Joint Committee on Transportation. Members of the committee have agreed that in order to take advantage of the 1994 construction season, it is imperative that the bill be passed by the legislature and signed into law by the Governor no later than the end of March. The committee has heard from a number of communities and the MMA, and is revising the Chapter 90 program that proposes \$180 million to cities and towns over a two-year period to reflect the changing needs of municipalities. Among the items under consideration are: increasing the amount available to cities and towns to an amount above \$180 million; expanding the Chapter 90 program to allow the funds to be used for gravel roads and sidewalk construction; phasing out the Public Works Economic Development (PWED) program, the Small Town Road Assistance Program (STRAP) and salt storage shed grants, and folding them into the expanded Chapter 90 program. Also under discussion is the revision of the reimbursement schedule to provide for more timely payments to cities and towns.

### MODEL WARRANT ARTICLE

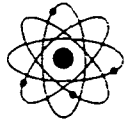
To see if the town of \_\_\_\_\_ will instruct its representatives to the General Court to support the position of the Massachusetts Municipal Association in favor of full funding of the Cherry Sheet Highway Aid accounts, Chapter 81 and Chapter 90, as well as the swift passage of the Transportation Bond Bill, H. 1033, in order to ensure a fair and predictable share of funds for distribution to cities and towns for use on local roads.



# Minuteman Tech

Minuteman Regional Vocational  
Technical School District  
758 Marrett Road  
Lexington, MA 02173-7398  
Telephone 617-861-6500

Science-Technology High School  
and Adult Career Center

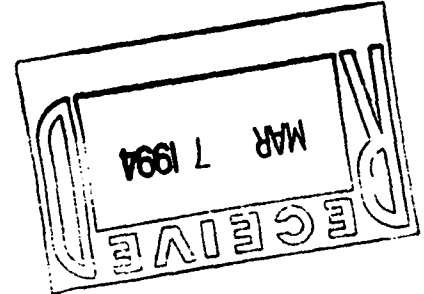


cc: BOS

Fax 617-863-1747

March 4, 1994

## IMPORTANT



Subject: Minuteman Assessments  
for 1994-95

To: 1. Chairpersons, Boards of Selectmen  
2. Chairpersons, Fincoms  
3. Town Executive Officers

1. Minuteman cannot legally issue OFFICIAL assessment notices until the state gives us official figures. There is no sign of this happening in the immediate future.
2. IF legislation does not get passed allowing us to revert to straight "by-agreement" assessments or some other improved alternative, Chairman Nyles Barnert and I will recommend the new column X assessment figures shown below to our School Committee at its March 15th meeting:

a.	Acton --	\$497,496
b.	Arlington --	2,229,199
c.	Belmont --	456,664
d.	Bolton --	107,111
e.	Boxboro --	185,417
f.	Carlisle --	149,107
g.	Concord --	359,941
h.	Dover --	25,395
i.	Lancaster --	199,125
j.	Lexington --	612,806
k.	Lincoln --	98,898
l.	Needham --	522,929
m.	Stow --	304,504
n.	Sudbury --	313,488
o.	Wayland --	237,662
p.	Weston --	39,424

This new position was defined on the basis of our March 1st evening meeting to which all towns were invited to send representatives.

3. If a new law passes we shall revert to "by-agreement" figures or whatever the new law dictates (since there are several different "correction" proposals now in front of the General Court).

- OVER -

Acton  
Arlington

Belmont  
Bolton

Boxborough  
Carlisle

Concord  
Dover

Lancaster  
Lexington

Lincoln  
Needham

Stow  
Sudbury

Wayland  
Weston

4. If no new law passes and Minuteman were forced into a new budget position, we would change to a required-by-law set of assessments totaling \$6,388,977 (higher than other options). Unfortunately this would result in higher figures for:

Acton  
Arlington  
Boxborough  
Carlisle  
Concord


Lincoln  
Needham  
Sudbury  
Wayland

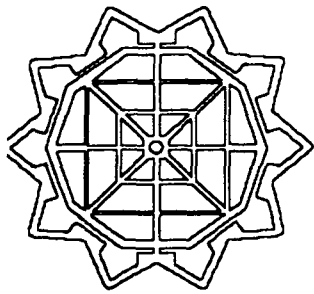
If any town official wants that figure (which we hope to avoid) for planning purposes, call me. For now, I'm trying to avoid publishing more than the already excessive and confusing lists of alternatives.

5. All of the above positions are based on the facts that:
- The state has informed me that it will enforce minimums. This, under current law, would prevent MM from "returning" extra assessment dollars forced by the new law in some towns.
  - Given strange "bugs" in the law (aid not following pupils, etc.) no specific new assessment system works well for everyone. Thus, we are now recommending the new X alternative which would keep every town as low as possible and meet legal requirements.
  - While representatives of a specific town might not "like" X if it happens, no one has been able to suggest a better legal alternative to us - - one that enforces minimums and attempts to follow the intent of the new law whether we agree with it or not.
6. I apologize for this chaos. It will exist until and unless the state corrects the new law to:
- Operate a region as one "averaged" educational community as originally designed.
  - Guarantee the region-related aid to a region but not to each town even if it sends no pupils!

In the meantime, very different assessments/pupil and aid/pupil will be assigned to different member towns in any region that has several member towns and/or enrollment shifts and/or different growth factors for different towns.

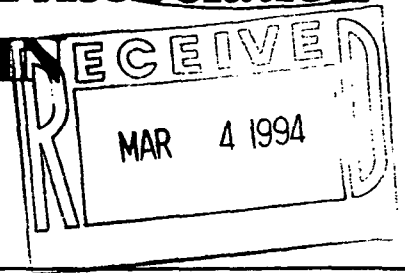
Sincerely,

  
Ron Fitzgerald  
Superintendent



# Massachusetts Municipal Association LEGISLATIVE BULLETIN

February 25, 1994



## ACTION SOUGHT ON EARLY RESOLUTION, SNOW \$\$

### Local Aid Resolution

For the first time in six years, the legislature appears poised to pass a meaningful early resolution on local aid. Although state law requires the Department of Revenue to send out cherry sheets no later than March 1, the legislature's failure to pass an early resolution each year since 1988 has effectively prevented the DOR from doing so until the governor has signed the state budget. This has generally occurred in mid to late July, which meant that cities and towns didn't get their cherry sheets until mid to late August.

This year both Gov. Weld and Rep.

Christopher Hodgkins (D-Lee) have filed early resolutions bills that would ensure that cities and towns receive at least the amount of local aid that appeared in Section 3 of House One. The governor's budget proposes a \$40 million increase in lottery aid, and full funding of the state's obligation under education reform (\$184.4 million). As of now there is broad bi-partisan support in both branches for any early resolution. The MMA is pushing the legislature to adopt an early resolution as soon as possible with a goal of completing action in both branches within the next two to three weeks.

### Snow and Ice Deficits

For the second year in a row, municipal snow and ice budgets are running substantial deficits. The 79.2 inches of snowfall this winter, combined with the 86 inches last year, have made for the worst back-to-back winters on record

After Lt. Gov. Paul Cellucci met with the MMA's Board of Directors on Feb. 8, the Administration filed a supplemental appropriations bill, H. 4458, that would provide some \$15

million in relief for municipal budgets. While cities and towns are pleased the Administration filed this bill, the MMA's initial research on snow budgets indicates that the combined deficit for Massachusetts communities this year will easily exceed \$25 million. This figure is on top of the \$20-\$30 million deficit of a year ago.

To further complicate matters, House Ways and Means Chairman Thomas Finneran (D-Mattapan) was quoted in Boston newspapers as questioning the wisdom of helping cities and towns with snow and ice removal deficits for fear that in the future communities would deliberately "low ball" their snow and ice budgets in order to get state money. The MMA has written to Finneran to brief him on the current provisions of the snow and ice removal statute that essentially prevent communities from deliberately underestimating how much will be spent on snow and ice removal. In addition, no community could adequately plan for the staggering magnitude of snow and ice clean-up that local governments have dealt with over the past two winters.

In order to better document the case for cities and towns, the MMA has included in this mailing a survey on snow and ice removal. Please promptly fill out the survey and return it to the MMA's Legislative Division. The information obtained from the survey will be distributed to legislators as evidence of the extent of deficits and to support the MMA's lobbying efforts to increase the amount of money proposed by Gov. Weld.

## **Committee Considers Transportation Bond Bill**

Public hearings were held in early February on the recently re-filed Transportation Bond Bill, H. 1033. The \$5.6 billion bond bill contains \$180 million for cities and towns in the Chapter 90 program to be distributed over two years. The MMA and several local officials from Franklin County gave testimony on the importance of the Chapter 90 program to the Joint Committee on Transportation. Town Administrator Susan Wright of Whately and Selectmen Stanley Gawle of Shelburne, Dennis Rindone of Erving, and Dana Roscoe of Sunderland urged committee members to consider increasing the amounts to be distributed to cities and towns above the governor's recommendation of \$90 million in order to expedite the Highway Department's reimbursement of municipalities for completed projects, and to allow Chapter 90 funds to be used for gravel roads, sidewalks, and other construction and reconstruction related purposes.

House Transportation Committee Chairman Steve Karol (D-Attleboro) said he is sensitive to the issues that local officials face with restricted funding. Karol said the Chapter 90 program must be revised to reflect the changing needs of communities. Karol and Rep. Thomas Cahir (D-Bourne) have been the most vocal legislators on the need to increase the allotment for cities and towns above \$180 million. Committee members agree with Karol that they should expand the Chapter 90 program to allow the funds to be used for gravel roads and sidewalk construction.

In addition, committee members voiced support for phasing out specific grant programs such as Public Works Economic Development (PWED), Small Town Road Assistance Program (STRAP), and salt storage shed grants, all of which have fund balances that have not been released to communities, and folding them into a newly revised and expanded Chapter 90 program. Also under discussion is the revision of the reimbursement schedule to provide for more timely payments to cities and towns.

The MMA was told that the committee would be drafting the bond bill the week of Feb. 22-25. Members of the committee have agreed that in

order to take advantage of the 1994 construction season, it is imperative that the bill be passed by the legislature and signed into law by the governor no later than the end of March. The MMA will continue to provide updates on this issue.

## **Binding Arbitration Fight Looms**

Fourteen years after binding arbitration was eliminated by the voters of the commonwealth, the public sector unions are making a strong push to reinstate it. Claiming frustration over zero increases, and accusing management of abusing the system to stall contract settlements, the Professional Firefighters of Massachusetts has declared reinstatement of binding arbitration its number one priority. The MMA is adamantly opposed to binding arbitration because it takes authority from local labor and management and places it in the hands of an unelected, unaccountable third party. The hearing on this bill is tentatively scheduled for March 23. Anyone interested in testifying at the hearing is asked to please contact Marie Johnson at the MMA.

## **Health Care Survey**

The MMA is conducting a survey on municipal health care costs and coverage. The data collected from the survey will be used for the MMA's efforts concerning national health care reform and potential legislative proposals in Massachusetts to federal health care reform proposals. The survey was mailed Feb. 14 and currently 25 have been sent back. Local officials are reminded to please return the survey by March 1.

## **PILOT Funds**

The governor's fiscal 1995 budget proposes to level fund the state's \$6.5 million reimbursement program for state-owned land. Full funding of this item would require \$18 million annually. The MMA encourages local officials to join in the effort to increase this line item. Officials interested in this issue may wish to attend a one-day conference sponsored by STAR, being held in Worcester on March 19. For more information call Regina Curtis, Wendell Administrative Assistant, at (508) 544-3395.



cc: BOS

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

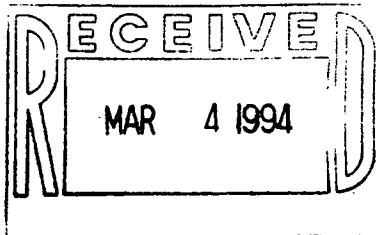
(508) 264-9636

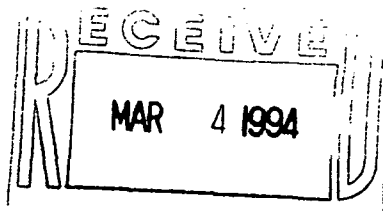
INTERDEPARTMENTAL COMMUNICATION

TO: Don P. Johnson, Town Manager      DATE: March 3, 1994  
FROM: Roland Bartl, AICP, Town Planner      R. B.  
SUBJECT: MAPC Winter Meeting - Acton Representation

It has come to my attention that Acton was not represented at the recent MAPC Winter Council. Neither the regular representative nor his alternate were present.

[RHB.IDC.94\*18]





cc: BAS

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

### INTERDEPARTMENTAL COMMUNICATION

TO: Board of Appeals DATE: March 2, 1994  
FROM: Roland Bartl, AICP, Town Planner R. B.  
SUBJECT: Earth Removal Petition for Laws Brook Village, Hearing #94-3.

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The Planning Board has approved the preliminary subdivision plan for Laws Brook Village. The plan presented to you in connection with the Earth Removal Petition appears to be consistent with this preliminary subdivision plan. Earth removal in the proposed location would have to occur in connection with the construction of the subdivision, but it is unclear at this point to which degree and to what depth.

The site is in Zone 3 of the Groundwater Protection District. Section 4.3.5 seems to allow a reduction in the depth to groundwater only where necessary to meet generally accepted access and safety standards for streets, driveways, etc. This does not necessarily mean that a street or site has to be flat. I am not clear if the preliminary subdivision plan provides sufficient information to determine whether or not the proposed earth removal meets this standard. It also would appear that the earth removal should not occur until such time when the subdivision is actually approved in its entirety, bonded under subdivision control and under construction.

In any case, when developing the site the applicant must demonstrate that none of the grading work will result in a violation of Section 4.3.5 of the Zoning Bylaw, which requires that a minimum of 10 feet must remain between the finished ground surface and the maximum groundwater elevation.

I would also caution the applicant to leave enough soil material on the site to allow for the proper grading of the lots and street and for proper stabilization of steep slopes.

xc: Planning Board  
Town Manager ✓

[RHB.IDC.94\*15]

cc: BOS

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

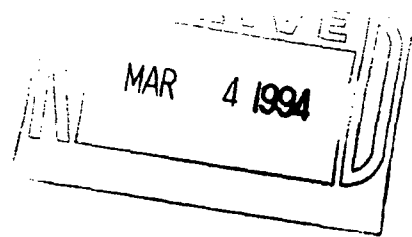
(508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: Board of Appeals DATE: March 2, 1994  
FROM: Roland Bartl, AICP, Town Planner *R.B.*  
SUBJECT: Flood Plain Special Permit Application, Perkins Lane, Hearing #94-2

The Planning Board has approved the preliminary subdivision plan for Perkins Lane. The plan presented to you in connection with the Flood Plain Special Permit application appears to be consistent with the preliminary subdivision plan presented to the Planning Board. In its decision approving the preliminary plan (attached), the Planning Board suggested that the proposed street be reduced to the width and construction standards of a common drive. If this is followed through by the applicant, this is expected to reduce the impact on the flood plain.

xc: Planning Board  
Town Manager ✓



[RHB.IDC.94\*15]



MASSACHUSETTS DEPARTMENT OF REVENUE  
DIVISION OF LOCAL SERVICES

P.O. Box 9655  
Boston 02114-9655

MITCHELL ADAMS  
Commissioner

(617) 727-2300  
FAX (617) 727-6432

LESLIE A. KIRWAN  
Deputy Commissioner

March 1, 1994

cc: BOS

TO THE TOWN MANAGER  
BOARD OF SELECTMEN  
BOARD OF ASSESSORS  
TOWN ACCOUNTANT  
FINANCE COMMITTEE  
TOWN TREASURER/COLLECTOR

In accordance with the provisions of the Massachusetts General Laws, Chapter 59, Section 23, as amended, I hereby certify that the amount of available funds or "free cash" as of July 1, 1993 for the Town of Acton is \$165,218.

Sincerely,

A handwritten signature in dark ink, appearing to read "F. E. FitzPatrick".

F. Ellis FitzPatrick  
Assistant Director of Accounts

FEF:csg

CC: BOS

Present: Comstock, Lane, Whitcomb, Kadlec, George

Absent: Husbands

Meeting was called to order at 7:40 pm. Minutes of the Jan. 24th meeting were approved as corrected.

There were no appointments or swearing ins.

Interview: Matthew <sup>Lieberman</sup> 27 Tuttle Driveway interviewed for Conservation Commission, Board of Health, and Planning board. He has lived in Acton for three months. He has not attended any of the Town Meetings, Board, or Committee meetings. He is an Environmental Scientist working in the U.S. EPA Regional Office in Boston, Ma. He is versed in state laws regarding wetlands, septic systems, and zoning bylaws. He is also interested in an associate position.

Board Needs: Town Report Committee for 1994, VCC, and Hanscom Field Advisory Committee.

We discussed the responsibility of the VCC providing ~~names~~ names from our data base. The VCC felt these names should come from the Appointing Board Offices.

Volunteer Reception will be held March 6th at the Town Hall from 2-4pm.

Recommendation: Matthew Lieberman put on hold until after he has attended some of the committee meetings.

Next meeting: February 28th at 7:30pm.

Meeting adjourned at 8:56 pm.

Respectfully Submitted:



Jean Lane

cc: Board of Selectmen, Town Clerk

# Water Supply District of Acton

693 MASSACHUSETTS AVENUE  
P.O. BOX 953  
ACTON, MASSACHUSETTS 01720

TELEPHONE (508) 253-9107

FAX (508) 264-0143

WATER SUPPLY DISTRICT OF ACTON  
HARLAN TUTTLE BUILDING  
693 MASSACHUSETTS AVENUE  
ACTON, MA 01720

MARCH 14, 1994

## AGENDA:

7:30 P.M. CALL TO ORDER

7:31 P.M. COMMENTS FROM CITIZENS AND OPEN DISCUSSION

ACCEPT MINUTES OF MEETING FEBRUARY 14, 1994 AND  
FEBRUARY 28, 1994

## NEW BUSINESS

WARRANTS & COMMUNICATIONS

ANNUAL MEETING MARCH 16, 1994, 7:30 P.M.

SELLING OF LAB EQUIPMENT

APPOINTMENT OF TREASURER/COLLECTOR AND  
ASSISTANT TREASURER

BACKHOE BIDS

PRICE OF NEW CAR AND PICK-UP

## OLD BUSINESS

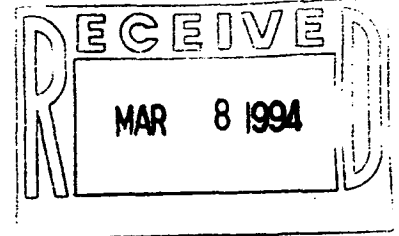
EMPLOYEE MANUAL

HUNTING REGULATION

NEW OFFICE BUILDING

WATER WORDS

NORTH ACTON RECREATION AREA



LAW OFFICES OF  
CHARLES G. KADISON, JR.  
179 Great Road  
Acton, Massachusetts 01720

Charles G. Kadison, Jr.  
Stephen L. Pearson

cc: BOS

Acton - (508) 264-4886  
Lexington - (617) 861-6662  
Telecopier - (508) 264-0320

March 7, 1994

Board of Selectman  
Town of Acton  
Town Hall  
472 Main Street  
Acton, MA 01720

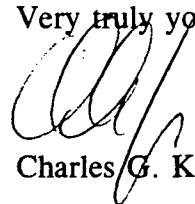
Re: Sun Refining & Marketing Co.  
Our File No. 1532

Dear Members of the Board:

My recent request to extend the time for Site Plan Special Permit #2/7/90-324 and the Amendment to the Site Plan Special Permit was sent in error. The project has been fully completed in compliance with the special permit, as amended, and extensions are not required. Our office reminder file had not been updated to show completion.

Thank you for your consideration regarding this matter.

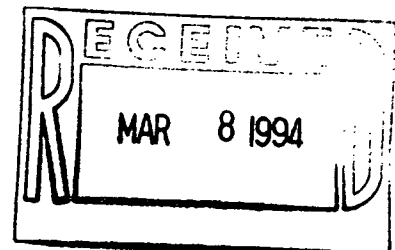
Very truly yours,



Charles G. Kadison, Jr.

\clg  
cc: Sun Refining & Marketing Co.

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BOARD OF LIBRARY TRUSTEES  
ACTON MEMORIAL LIBRARY  
Monthly Meeting - January 10, 1994

CC: BOS

PRESENT Dennis Ahern, Ann Chang, Brewster Conant, Bob Ferrara, Susan Fingerman, Fran Moretti, Wanda Null, Director, Ray Shamel, and Carole Chisvin, Assistant Director.

ABSENT Joseph Grandine, Henry Hogan,

NEXT MEETING The next meeting will be Monday, February 14th, at 8P.M. The January minutes will be reviewed at that time.

MINUTES The minutes of the October Trustees meeting were reviewed and accepted without changes. Susan moved and Dennis seconded a motion to accept. Passed unanimously. Two changes were noted for the December minutes. The first sentence under the DISCUSSION OF 11/8 MEETING should be clarified to read "Dennis noted that privatization of the West Acton Citizens Library was discussed at a recent public West Acton Village Planning session." The final sentence in the WARRANT ARTICLE AND BUDGET DISCUSSION section should instead read "Because of the new accounting for health care costs and Foundation gifts, Wanda did not have to apply for a waiver of certification requirements in FY94."

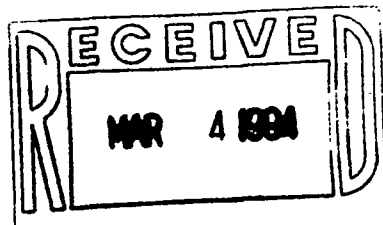
REPORT ON 1/5 MEETING WITH TOWN MANAGER Bob noted that a Warrant Article to fund the West Acton Citizen's Library was circulated at Alexander's Pizza. The amount was for \$24,500 and it was signed by ten people.

The text of two mutually exclusive Contingency Warrant Articles concerning the Acton Memorial Library was distributed with the meeting agenda. The first is to be submitted in the event of level-funded FY'95 Town Budget, while the second would be submitted if town departments are not level-funded. The trustees supported this approach, which was discussed with the Town Manager on January 5. Ann noted that a presentation of Town Meeting will be required, where we will also need to stress the technological evolution of the Library - (Internet, etc.).

Wanda distributed her requested FY'95 budget, totaling \$478,511. This includes all the items in the level-funded Contingency Warrant Article. The department heads will be meeting on 1/12 and 1/13 to develop the Town's budget. The Trustees requested that funds to increase the number of Minuteman Network ports from 14 to 16. With this change, Bob moved and Susan seconded a motion to approve Wanda's FY95 Budget Request to the Town. Passed unanimously.

HOLIDAY GIFT BOOK PROGRAM This was a great success with over \$1800 received to date. Many people gave checks anonymously and others donated in excess of the purchase price of the new books.

ACQUISITION OF DAVIS NOTEBOOKS Five of the six sketchbooks were purchased by the Acton Memorial Library and the Acton Historical Society. Only the 1888 book was kept by the original owner.





The Trustees discussed plans for a joint announcement with the Historical Society and a public display at Acton Memorial Library. Ann requested that Carole ask Larry Powers of the Powers Art Gallery to organize a late spring even at the Acton Memorial Library. Only Acton Memorial Library-owned Davis paintings and copies from all five sketchbooks would be displayed. Ann will work with Betsy Conant of the Historical Society on publicity.

Bob offered a contact at the Cape Ann Historical Society, who might also be invited. Two of the Davis sketchbooks dealt extensively with scenes around Annisquam on Cape Ann.

RENTAL BOOK PROGRAM This program, underwritten by the Friends of the Library, is working well. All feedback has been positive.

DIRECTORS REPORT Wanda noted that the West Acton Citizens Library has begun showing an interest in access to the Minuteman Network. This led to a discussion of Wanda's recent conversations with Merna Smith of Bureau of Library Commissioners. In the draft of the standards due out this month, there is expected to be strong language on providing electronic access to all public libraries (later to be expanded to school libraries).

Wanda reported that the laser scanner at the circulation desk died again today. It appears to be on its last legs. Trust fund monies to replace it have already been approved, however.

TOWN ELECTIONS Fran Moretti has decided not to run for re-election to the Trustees next spring. Fran has served well for four years and we thank her. Ann asked Fran to write a letter to the Beacon to help recruit candidates.

The meeting adjourned at 9:55P.M..

Respectfully submitted,

A handwritten signature in cursive script that reads "Robert V. Ferrara".

Robert V. Ferrara, Secretary

CC: BOS

Town Manager



TOWN OF ACTON  
HISTORIC DISTRICT COMMISSION  
472 Main Street Acton, MA 01720

RECEIVED & FILED

March 8, 1994

DATE March 10, 1994

**NOTICE OF DECISION:** Application #9316: 553 Mass. Ave.  
Mobil Oil Corp., for West Acton Mobil ID sign

Catherine Bellin  
TOWN CLERK, ACTON

At the continuation of a public hearing held in Room 204, Acton Town Hall, on March 7, 1994, the Acton Historic District Commission concluded its review and unanimously voted to DENY the application of Mobil Oil Corporation for a Certificate of Appropriateness for an ID sign at 553 Mass. Ave., Acton, in the West Acton Historic District.

Commission members Anne Forbes, Joan Gates, Michaela Moran, Wesley Mowry, Tom Peterman, and Sandy Schmidt were present throughout the proceedings.

**EXHIBITS**

In its deliberation, the Commission considered the following exhibits submitted by the applicant:

1. Application form #9316, dated 10/13/93, and stamped by the Town Clerk on 10/29/93, with attachments as follows:
  - sign design
  - site plan (grading and utilities plan) for sign proposal, dated 10/13/93
  - partial site plan and scope of work (two sheets)
  - one concept drawing showing proposed construction details
  - 14 color photographs of the site
  - example of a design for a twin-pole ID sign.

Other documents entered into the public record by the Commission at the hearing included the following:

1. A certified list of abutters.
2. Notice of the public hearing as it appeared in The Beacon on December 16, 1993.
3. Notice of the public hearing as posted, distributed to staff, and mailed to abutters.
4. Two extension forms, signed by D.H. Stephens for Mobil Oil Corp., granting the applicant's permission to extend the deadline for deliberations on the application--the first until January 25, 1994, the second until March 11, 1994.

5. Interdepartmental Communication from Garry Rhodes, Acton Building Commissioner, dated December 29, 1993
6. Interdepartmental Communication from Garry Rhodes dated January 6, 1994.
7. Interdepartmental Communication from Roland Bartl, Acton Town Planner, dated February 7, 1994.
8. 4 polaroid photographs of existing conditions.

#### **FINDINGS AND CONCLUSIONS**

Based on its review of the exhibits and the record of the proceedings, the Commission found and concluded that:

1. The property at 553 Mass. Ave is located within the West Acton Local Historic District.
2. The sign design proposed is not excluded from Commission review under Section 9 of the Acton Historic District Bylaw.
3. Since this is a sign that is encompassed by Section 7.12.5 of the Acton Zoning Bylaw, it is appropriate for the Commission to review it for a Certificate of Appropriateness.
4. The position proposed in the application for the sign is less than 7 feet from the sideline of a public right of way (Mass. Ave. sidewalk).
5. The Commission is prevented by Acton Zoning Bylaw, Sections 7.8.2 and 7.12.1.3, from issuing a Certificate of Appropriateness for a sign that is within less than the required distance from the public right of way.
6. Since, according to Section 7.12.5 of the Acton Zoning Bylaw, any sign approved by the Commission must comply with Section 7 of the Acton Zoning Bylaw, and the proposed sign as presented does not comply with Sections 7.8.2 and 7.12.1.3, it cannot be approved by us in the proposed location.
7. Because the appropriateness of such features as shape, height, overall dimensions, materials, illumination, etc., are closely linked to the position and location of any sign, it was concluded that Commission review of the proposed sign under the Historic District Bylaw at this time would be premature.

**COMMISSION ACTION**

Based on the preceding findings, the Historic District Commission voted unanimously to DENY the Certificate of Appropriateness to the Mobil Oil Corporation for the proposed Application #9316.

In its decision, the Commission also found that, because alternate locations for a sign exist on the site, and alternate designs for signage that conforms to Section 7 of the Acton Zoning Bylaw can be proposed, failure to approve the proposed sign will not involve a substantial hardship, financial or otherwise, to the applicant. In addition, the Commission concluded that the proposed sign, as presented, could not be approved without substantial detriment to the public welfare and substantial derogation from the intent and purposes of the Acton Historic District Bylaw.



TOWN OF ACTON  
HISTORIC DISTRICT COMMISSION  
472 Main Street Acton, MA 01720

RECEIVED & FILED

DATE March 10, 1994

Catherine Belkin  
TOWN CLERK, ACTON

March 8, 1994

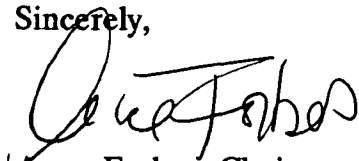
Dennis Stephens  
Mobil Oil Corporation  
One Technology Park Dr.  
Westford, MA 01866

Dear Dennis:

At its meeting last night, at the continuation of the public hearing on your Application #9316 for a Certificate of Appropriateness for an ID Sign at West Acton Mobil, 553 Mass. Ave., the Historic District Commission unanimously voted to deny approval of the application. The enclosed Notice of Decision explains the Commission's findings, conclusions, and final decision.

The Commission will be glad to review an alternate proposal in a new application at any time. Please feel free to call us if you have any questions.

Sincerely,

  
Anne Forbes, Chairperson

cc: BOS

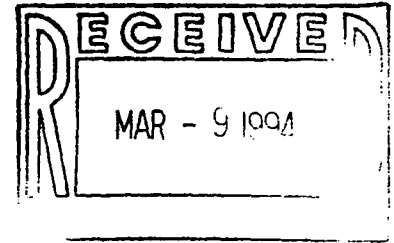
Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

March 8, 1994



Christopher C. Skelly  
Metropolitan Area Planning Council  
60 Temple Place  
Boston, MA 02111

Re: TIP FY 1995 - 1997, ACTON Projects

Dear Christopher:

This is in response to MAPC's request of February 10 for proposed projects to be considered for inclusion in the 1995-97 TIP.

First, I note that the reconstruction of the Route 27 bridge across the MBTA Fitchburg rail line has been moved from 1994 to 1995 in the current FY 93-95 TIP. This urgently needed project has been postponed over and over again for a decade or more. I think it is clear that Acton will not accept any further delays beyond FY 1995. The integrity of the bridge is very questionable. The posted weight limit is 6 tons. This means that Acton's fire trucks cannot cross it to respond to any emergencies south of the bridge. School buses are also excluded.

Following are projects which Acton wishes to see included in the FY 95-97 TIP:

#### BRIDGES

1. Wetherbee Street Bridge Replacement  
Bridge replacement for Wetherbee Street crossing Nashoba Brook, East Acton. The bridge is in poor condition and has grossly inadequate load capacity (3 ton weight limit). Wetherbee Street links Route 2A with Route 2. The bridge design is 70% complete. Vanasse Hangen Brustlin (VHB) provides engineering design services. Estimated total project cost is \$360,000.00. To date, the Town has spent \$42,263.49 for design services.
2. Stow Street Bridge Replacement  
Bridge replacement for Stow Street crossing Fort Pond Brook, South Acton. The bridge is in poor condition and has inadequate load capacity (6 ton weight limit). Acton has completed temporary deck repairs in 1989 at a cost of \$5,000.00. Estimated cost for bridge replacement is \$250,000.00. Stow Street is the main

connector between South Acton and the Town of Stow.

3. **Route 2 Crossing at School and Wetherbee Streets**  
New bridge or underpass to provide connection between Wetherbee and School Streets over Route 2. Previous at grade crossings over Route 2 at Wetherbee/School and at Hosmer Street have been closed for safety reasons, leaving Acton without a local roadway link crossing Route 2 east of Piper Road. This is not an acceptable situation for Acton as it unduly lengthens emergency response times for police and fire, creates school bus routing problems and generally cuts off one part of town from the other. Project should include Route 2 on- & off ramps to maintain and improve Route 2 access for nearby industrial areas. The need for this project has been repeatedly articulated by Acton in the past. The cost of this project was previously estimated at \$2,000,000.00.

## ROADWAYS

4. **Route 2A (Acton) Corridor Improvements East of Route 27**  
This project would address safety problems and alleviate congestion along a 2 mile roadway segment. It would included intersection improvements and a traffic signal at Pope Road with sidewalk construction in the general East Acton village vicinity. East Acton village is zoned for future growth. Also included is the construction of dedicated left turn lanes at four locations on Route 2A between East Acton and Route 27: at Concord Road, at Strawberry Hill Road, at Brook Street and at the Triple A Plaza driveway. This project is a consolidation of several Route 2A capital improvement needs identified by VHB in the Town's 1991 Master Plan. In 1991, the estimated cost was \$550,000.00.
5. **Route 27 / Route 111 (Kelley's Corner) Intersection Improvements**  
Widening, lane additions and signal improvements at the intersection. Intersection is currently signalized and operates at full capacity. The intersection is one of the two highest accident locations in Acton. This project would also include widening and dedicated left turn lanes in two congested street segments leading to the intersection: On Route 111 between Route 27 and Route 2; and on Route 27 between Route 111 and Route 2 including dedicated left turn lanes for Route 2 on-ramps at the Route 27 interchange. This is a needed capital improvement identified by VHB in the Town's 1991 Master Plan. We estimate the total cost to reach up to \$2,000,000.00.
6. **Route 2 / Piper Road / Taylor Road - Grade Separated Interchange**  
The current signalized at grade crossing is dangerous and obsolete. Although minor improvements were made in recent years, the intersection remains among the highest accident locations in Acton. In addition, Route 2 traffic during the P.M. peak hour backs up a long way east from the signals causing spill over traffic onto local streets. This is the last remaining at-grade crossing over Route 2 west of Concord. It should be replaced with a grade separated interchange to improve efficiency, safety and access to nearby office park and industrial sites. This project could be combined with the Kelley's Corner Project (#5. above) to achieve a more integrated network of interchanges and roadways in the Kelley's Corner vicinity, to improve overall traffic circulation and to support future business growth in the Kelley's Corner area. This project is a needed capital improvement identified by VHB in the Town's 1991 Master Plan. In 1991 the cost for the grade separated interchange was estimated at 2,000,000.00.

7. Route 27 Corridor Improvements South of Route 111  
Project includes widening, re-striping and signal installation at Route 27 intersection with School and Central Streets in South Acton. Also includes realignment and signal installation at Route 27 intersection with Prospect Street, and widening for left turn lanes at commercial driveways south of Route 111. Preliminary design plans for the Prospect Street intersection have been prepared by VHB. This item consolidates three needed capital improvements identified by VHB in the Town's 1991 Master Plan. In 1991, the cost for these improvements was estimated at \$450,000.00 without signals. Since then it has become clear that a signal is necessary at both the School and Prospect Street intersection.
8. Route 62 / High Street Signal  
This project would fund the installation of signal equipment at this intersection. With the assistance of private funding, design has been completed by VHB. Construction work in the roadway has been completed by the Town of Acton. Only the signal equipment, signs and pavement markings are still missing due to lack of available funds. The cost of the signal equipment, signs and markers is estimated at \$48,000.00.

#### TRANSIT

9. Fitchburg Commuter Rail Line - Acton to Ayer:  
Track rehabilitation and installation of second track between Acton and Ayer. We understand that the condition of the single track limits train speed to 30 m.p.h. or less, which is grossly inadequate for commuter service. In addition the single track limits the frequency of service. The Fitchburg corridor is also considered for freight services between Boston and the proposed Ft. Devens rail terminal.  
We propose this because we expect that an increase in travel speed and efficiency in this segment of the Fitchburg corridor will increase ridership from points west of Acton. Currently many commuters from west of Acton use the South Acton commuter parking lot to board the train. The parking lot does not meet current demand. In addition to overall transit improvement for the region, we expect relief from congestion in South Acton and greater availability of parking spaces for local commuters. We had expected this project to be included in the current TIP, since the MBTA began planning work for it in the late 1980s.
10. Fitchburg Commuter Rail Line - Park & Ride Facilities  
One or more park & ride facilities serving the Fitchburg rail line at points west of Acton. The current FY 93-95 TIP would fund for FY 94 the "design/construction of a parking expansion/rehabilitation" at the Littleton stop (page 4.2.2-1). While the language in the TIP is a little unclear as to what is intended for the immediate future, we certainly see a real need for park and ride facilities along the Fitchburg rail corridor west of Acton. They will attract new riders and help relieve pressure on Acton's commuter parking lot, which cannot meet current demand. To the extent that this project needs to be carried over to future years in order to bring it to completion, we want to make sure it remains in the TIP.

Please note that, with the exception of item 2 (Stow Street Bridge), we have previously proposed all above projects for inclusion in the MetroPlan 2000 CIP.



## ENHANCEMENT PROJECTS

11. School Street/Lawsbrook Road Sidewalk  
From Piper Road to Concord town line. 4000± feet of continuous sidewalk on School Street from Piper Road to Sandy Drive, plus additional 3000± feet of sidewalk segments to link existing segments along School Street and Lawsbrook Road to the existing sidewalk in Concord leading to West Concord Center. (See also application for ISTEA funding dated Feb. 16, 1994, attached). School Street and Lawsbrook Road are old narrow town ways with traffic volumes nearing 5000 vehicles per day. The total estimated cost for this sidewalk is \$210,000.00 based on a per foot cost of \$30.00.
12. High Street Sidewalk  
Entire length from Route 27 to Route 62 (±9000 feet). High Street is an old narrow town way with traffic volumes nearing 5000 vehicles per day. The total estimated cost for this sidewalk is \$270,000.00 based on a per foot cost of \$30.00.
13. Central Street Sidewalk  
From Martin Street in South Acton to Elm Street in West Acton (±10000 feet). Central Street, too, is one of the old town roads. It is somewhat wider than School or High Streets, but is also very winding with short sight distances. Traffic volume along Central Street is about 8000 vehicles per day. The total estimated cost for this sidewalk is \$300,000.00 based on a per foot cost of \$30.00.
14. Concord Road Sidewalk  
From Route 27 in Acton Center to Route 2A in East Acton (±7000 feet). Concord Road is an old narrow town way, winding in places, with traffic volumes nearing 5000 vehicles per day. The total estimated cost for this sidewalk is \$210,000.00 based on a per foot cost of \$30.00.
15. Route 27 Sidewalk  
From Post Office Square north to Carlisle town line (±18000 feet), and in South Acton from end of existing sidewalk to connect with existing sidewalk in Maynard (±3000 feet). Route 27 is an arterial street with traffic volume ranging from about 8000 to nearly 20000 vehicles per day depending on the location. It is relatively narrow and winding and without sidewalks unsuitable for pedestrian and bicycle use. Very small segments of sidewalks exist within the identified portions of Route 27. Also, Acton has received some commitments for private contribution for short additional segments. The total estimated cost for this sidewalk is \$630,000.00 based on a per foot cost of \$30.00.
16. Route 2A Sidewalks  
From the Concord town line to the Littleton town line (±21000 feet). Route 2A is an arterial street with traffic volume around 20000 vehicles per day. There are many business and multifamily residences along this road. Due to the high traffic volume it unsuitable for pedestrian and bicycle use without sidewalks. Small segments of sidewalks exist within the identified portions of Route 2A. Also, the town has received some commitments for private contribution for short additional segments. The total estimated cost for this sidewalk is \$630,000.00 based on a per foot cost of \$30.00.
17. General Sidewalk Improvements  
In addition to the specific sidewalks identified in 11. through 16. above, there is a need to construct sidewalks along several smaller roadway segments throughout Acton, approximately 20,000 feet, particularly near School facilities. The total


estimated cost for these sidewalks is \$600,000.00 based on a per foot cost of \$30.00.


18. Bicycle Racks and Bicycle Lockers at South Acton Train Station  
This would fund bike racks and lockers similar to those funded as enhancement at the Concord Center station in 1993.
19. Sudbury to Lowell Bikeway  
See DEM plans for bikeway along B&M RR right of way, in Acton from East Acton to North Acton. This would be part of a regional project.
20. Bikeway on Inactive MBTA Maynard Spur  
From the Route 27 bridge in South Acton, crossing Mill Pond to the Maynard town line. Possibilities for continuation into downtown Maynard would need to be further investigated.
21. Bikeway Alongside the Active MBTA Fitchburg Line  
From West Acton through South Acton to West Concord. This could be expanded further as part of a regional project.
22. Acton Center  
Acton Center is a National Register Historic District, and a local historic district. This project, using enhancement funding, would complete sidewalk reconstruction efforts and bury unsightly utility lines in the historic Acton Center.

Please accept the above 22 project nominations for inclusion in the 1995 - 1997 TIP. We will be happy to provide additional and detailed project information to the degree that we have them available at this time.

Also enclosed is a copy of the project print out of the MAPC database with notes for your information.

Sincerely,

  
Roland Bartl, AICP  
Town Planner

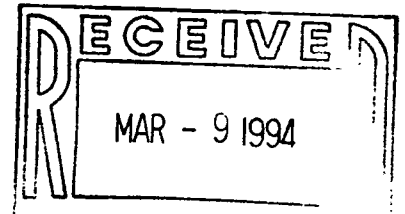
  
David Abbt,  
Engineering Administrator

cc: Don P. Johnson, Town Manager ✓  
Planning Board

[RHB.LET.94\*3]

cc: BOS

Yih-Yih Lin  
2 Maillet Drive  
Acton, MA 01720  
897-2402  
March 3, 1994



Dear Editor,

I am dismayed by the proposal of the Acton Community Housing Corporation (ACHC) to build subsidized housing right next to an offensive sewage plant. If this proposal was approved, eight families of our friends and neighbors would reside in a location that would subject them to persistent sewage odor and industrial strength lighting; and my neighborhood would lose the narrow but valuable buffer zone to the sewage plant.

ACHC's main justification for this proposal is for the noble cause of affordable housing. Members of ACHC would like voters to believe that there is a mandate from the Master Plan or the State to build such subsidized houses. The fact is that there is none. On the contrary, the main purpose of the Master Plan is to protect existing property values, open space, clean air and environment. The current State funding for affordable housing prefers rehabilitation to new construction. If ACHC has its own way, they would like to build about 600 subsidized new and prefabricated homes throughout Acton indiscriminately, even right next to a sewage plant, to meet the 10 percent target on the "affordable housing overlay," which almost covers one third of the entire town. If ACHC succeeded in such developments, the interests of the Town would be greatly and negatively impacted.

Voters have a right to the full disclosure of the true costs of the proposal however noble the cause is. Since ACHC has not been forthcoming in this aspect, I would like to present my own estimate. The yearly tax revenue generated from a \$94,500 proposed house will only meet a fraction of the cost of town provided services for its entire unit life. Total annual taxes from those eight houses will be \$12,480. The cost of educating one pupil in Acton is \$5,600 per year. Currently Acton has to deal with larger classes and tight budget, as reported in the February 17 *Beacon*. In the long run, encouraging the development of new subsidized houses will inevitably enlarge the class sizes and render the town budget even tighter. Additionally, since real estate values are determined by what buyers are willing to pay, property values of the neighborhood adjacent to the subsidized housing will drop. Consequently, the town will not be able to collect as much tax revenue from the neighborhood as it will from a noninterfered market.

The ACHC proposal is simply ill-conceived, and I urge voters to reject the article on the April 4 Town Meeting to donate four acres of town-owned land on Adam Street to ACHC.

A handwritten signature in cursive script that reads "Yih-Yih Lin".

Yih-Yih Lin

CC: Acton Selectmen  
Acton Finance Committee

cc: BOS !!

19 John Swift Road  
Acton, Massachusetts 01720  
March 8, 1994

Board of Selectman  
472 Main Street  
Acton, Massachusetts 01720

Ladies and Gentlemen:

Please accept my resignation from the Board of Assessors effective immediately.  
I find that I must resign for personal reasons.

Sincerely,

*Robert W. Adams*

Robert W. Adams

(cc: Town Clerk  
Assessors  
VCC) 3/9



Mitchell Adams, Commissioner  
Leslie A. Kirwan, Deputy Commissioner

# CITY & TOWN

A Publication of the Massachusetts Department of Revenue's Division of Local Services

## DLS Disburses Commonwealth Sewer Rate Relief Fund

The Commonwealth Sewer Rate Relief Fund was established by Section 20 (of the outside sections) of the FY94 appropriation act, Chapter 110 of the Acts of 1993. The administration of the program was charged to the Division of Local Services (DLS) of the Department of Revenue, consulting with the Department of Environmental Protection (DEP). Thirty million dollars was appropriated to establish this fund in order to mitigate the sewer rate increases due to debt obligations.

The Legislature and Governor recognized the pattern of substantial increases in sewer charges for recent years, particularly in the MWRA service area, resulting from the federal court-ordered Boston Harbor project. This fund was established to minimize the impact of these increases to ratepayers. During FY88 to FY93, operating and capital costs assessed to the 43 cities and towns whose sewerage is treated by the MWRA had increased an average of 28.5%. An increase of 13.1% had been projected for FY94; distributions from this Fund are estimated to reduce the increase to 4.5%. Sewer rates in each city and town include local operating and capital costs in addition to the MWRA charges, and therefore vary.

The FY94 Budget Section establishing the Fund proposed that a similar appropriation be repeated in subsequent fiscal years. The Governor's FY95 Budget filed in late January contains \$40 million for this program in the next fiscal year.

Numerous city and town officials have called or written to DLS with inquiries re-

garding eligibility requirements, amounts of awards or why their community did not receive an award. The eligibility criteria were set forth in the statute:

- Purpose
- Date of issue
- Funding from other sources

Specifically, the debt must arise from a project as defined in the Federal Clean Water Act. As intended in the statute, DLS worked in consultation with DEP, the agency which oversees the review of projects under that Federal Act and related state laws. Further, the bonds must have been issued on January 1, 1992 or later. Also, projects funded (even in part) with federal or state grants were not eligible for further aid under this program.

Eligible debt was defined in the legislation as debt issued after January 1, 1992 with a maturity of at least five years for water pollution control projects. Distributions from the fund would reimburse the issuer up to 20% of the FY94 debt service. The reduced assessments to the cities and towns are to be reflected in lower sewer rates to residential and commercial customers. An amendment (Section 109 of Chapter 151 of the Acts of 1993) requires the local rate-setting authority to certify to DLS that aid distributed from the fund has been applied for the reduction of sewer rates.

DLS informed cities and towns, districts and authorities of the program. Two *Bulletins* were released; one in July and the second in August. These publications provided a description of

the program, included a questionnaire to identify whether part or all of a community was served by a district or authority and requested data for projects and related debt service.

Throughout the summer, numerous follow-up letters and calls were made by DLS staff, most notably, field representatives in the Bureau of Accounts to insure that all communities that might be eligible for aid from the fund had applied.

The qualifying applications were received and forwarded to DEP for verification of compliance with the statute. In November, a list of proposed distributions was submitted to the Commissioner of Revenue and to the Executive Office of Administration and Finance for approval.

Sewer Rate Relief Fund aid was distributed on December 23. The Lt. Gov-

*continued on page two* ➡

## Inside This Issue

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<b>Municipal Fiscal Calendar</b> .....	8

# LEGAL

## In Our Opinion

### State Reimbursement for Police Career Incentive Program

In December 1993, the Supreme Judicial Court (SJC) ruled in *Town of Milton vs Commonwealth* that the Commonwealth is not liable to cities and towns for any reimbursement under Chapter 41 §108L of the Massachusetts General Laws, the so called Quinn bill, which is in excess of the funds actually appropriated by the Legislature for that purpose.

M.G.L. Chapter 41 §108L is a local option statute which allows cities and towns to provide salary increases for police officers based on credits and degrees earned in certain educational institutions. The statute further provides that cities and towns "shall be reimbursed by the Commonwealth for one half the cost of such payments upon

certification by the board of higher education." For fiscal years 1988 to 1991 inclusive, the Legislature did not appropriate sufficient money to meet the 50% reimbursement figure set forth in the statute. The Town of Milton and other communities therefore filed suit in Superior Court to obtain a court order mandating the Legislature and the Governor to appropriate amounts necessary to provide 50% reimbursement. The lower court dismissed the Governor as defendant but entered a judgment against the Legislature and the Commonwealth. On appeal, the case was heard by the Supreme Judicial Court.

The SJC held that Chapter 41 §108L does not create a right to reimbursement, and communities must rely on an appropriation of funds by the Legislature for that specific purpose. Relying on prior decisions, the SJC ruled that

appropriations are not made in the Massachusetts General Laws but rather through the legislative budget process as described in the Massachusetts State Constitution. Furthermore, the SJC held that it was irrelevant that Section 108L of Chapter 41 lacked the words "subject to appropriation" since a general law directing payment has never been interpreted as an appropriation. In addition, reliance on the statute was unwarranted since one Legislature may not bind a successive Legislature through a statute or special act to make an appropriation in the future.

The SJC also rejected the theory that §108L created a contract between the Commonwealth and cities and towns upon acceptance of the statute. In the SJC's view, under the legislative budget and appropriation process, the

➡ continued on page eight

### Sewer Rate Relief

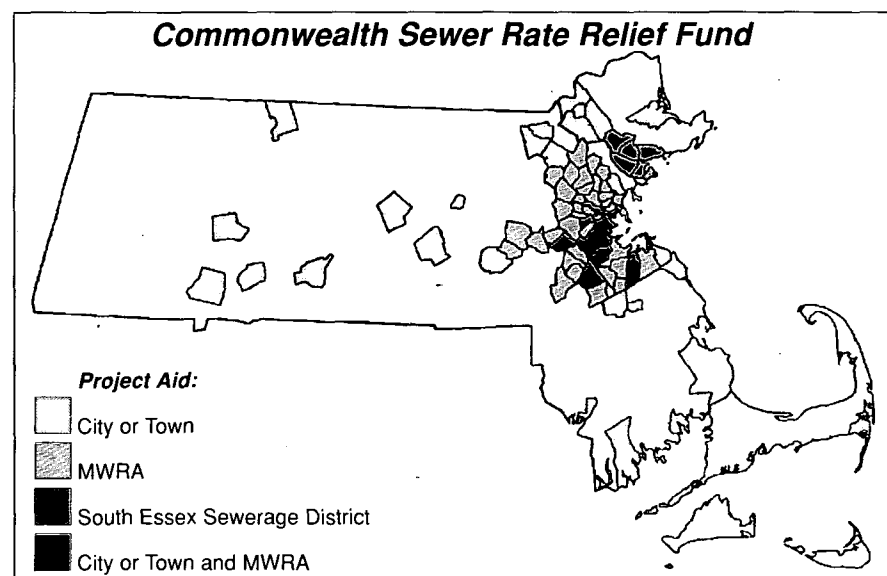
➡ continued from page one

error presented a symbolic check to 43 MWRA communities in Greater Boston while the Commissioner of Revenue mailed notification of the 81 awards to the qualifying communities. The 43 MWRA member communities received \$20 million; six communities in the MWRA received \$717 thousand for their own projects, six South Essex Sewerage District members received \$139 thousand and 25 other communities received \$591 thousand for their own projects, for a total of \$21.4 million.

Following the Governor's signing the state budget which established the Fund, the MWRA decided to reduce assessments to the 43 communities it serves, based on an estimate of \$20 million from the Fund. A detailed review of the MWRA debt issues concluded that the aid would be only \$19 million. The MWRA has reflected the difference of \$990 thousand against its rate stabilization reserve.

As a result, although rate relief for communities totals \$21.4 million, only \$20.4 million will be drawn from the \$30 million appropriation establishing

the Sewer Rate Relief Fund, leaving approximately \$9.5 million available in the Fund. ■



# FOCUS

## on Municipal Finance

### FY92 Spending

This month, *City & Town* focuses on municipal spending in FY92. The data for individual municipal operating expenditures are derived from the Schedule A, the annual report of revenues and expenditures submitted by municipal accountants or auditors to the Division of Local Services' Bureau of Accounts. This article is the latest in a series of annual spending which began in FY87, prepared once all Schedule A data are submitted and processed for a given fiscal year.

In examining municipal spending, this article focuses specifically on the general operating expenditures that are derived from the general fund; primarily because over 70% of the spending for general operations is accounted for through this fund. Excluded from this analysis is spending from special revenue, capital projects, enterprise, trust and agency funds. General fund capital outlay and construction spending are excluded from most of this analysis in an effort to prevent a large one-time expenditure from distorting the comparison among communities.

### Spending Trends

In an examination of local spending trends, FY92 is significant as the only year since FY82, (the inception of Proposition 2½) in which municipal spending actually declined in current dollars from the previous year. FY92 was the last of three years in which successive local aid cuts were made, necessitated by the Commonwealth's financial difficulties.

Since FY92, the local aid picture has improved and local revenues overall have increased. In FY93, total local revenues increased by \$345 million, an increase of 3.6% over the prior year. Preliminary FY94 total revenue data (based on 302 cities and towns that

had set rates by January 4, 1994) show another significant increase, 5.4%, over the prior year. Looking ahead, the Governor's budget for FY95 proposes an increase of 8.6% in Cherry Sheet Aid. These revenue increases can be expected to result in spending increases in future Schedule A analyses.

In FY92, the statewide total of general operating expenditures totaled \$8.348 billion. This figure represents a slight decrease in municipal spending, down from the FY91 total of \$8.433 billion. As these figures indicate, there was a decrease of \$87 million in the annual spending of municipalities in FY92.

To help mitigate revenue constraints, communities and school districts were offered the option to defer budgeting a portion of teachers' summer pay in FY92 and FY93. While 66 communities took advantage of this mechanism in FY92, the Schedule A reflects these salary expenses in FY92, the same as it would in a year in which no deferral was permitted.

### Spending Per Capita

In FY92, spending per capita averaged \$1,387.59, with Gosnold spending the most (\$4,760.6) and Dudley

spending the least (\$523.5). This average is lower than the preceding year's average of \$1,401.75. For an itemized look at municipalities' spending change and per capita change in expenditures from the General Fund, see *Table 1*.

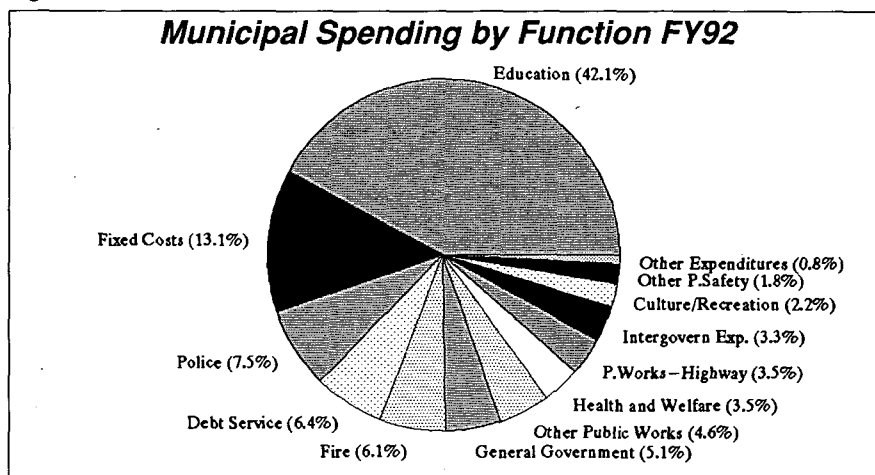
Education and fixed costs remained the two largest municipal spending categories in FY92. For a breakdown of spending by category see *Figure 1*. Education spending remained constant at 42.1% of the total expenditures while fixed costs, the next largest category, rose by a fraction of a percent to 13.1%.

Between FY91 and FY92, municipal spending rose in three categories: fixed costs, inter-governmental and other expenditures. In the remaining categories, namely education, debt service, fire, general government, other public works, health and welfare, public works-highway and culture and recreation, spending decreased, most by less than 5 percent. See *Table 2*.

It is also important to remember that spending by function can vary at the local level; not all communities offer the same services. For example, some offer the full range of public works —

*continued on page six*

Figure 1



# FY91 - FY92 General Fund Spending

Municipality	FY91 Total Expenditures	FY92 Total Expenditures	Change 91-92	% Change 91-92	FY92 Exp. Per Capita	Municipality	FY91 Total Expenditures	FY92 Total Expenditures	Change 91-92	% Change 91-92	FY92 Exp. Per Capita	Municipality	FY91 Total Expenditures	FY92 Total Expenditures	Change 91-92	% Change 91-92	FY92 Exp. Per Capita
ABINGTON	16,897,253	16,719,718	(177,535)	-1.1%	1,210.08	CHICOPEE	61,507,498	63,054,953	1,547,455	2.5%	1,113.42	HANCOCK	677,214	757,287	80,073	10.6%	1,205.87
ACTON	25,297,143	26,525,533	1,228,390	4.6%	1,484.19	CHILMARK	2,183,409	2,109,114	(74,295)	-3.5%	3,244.79	HANCOCK	16,651,395	16,535,396	(115,999)	-0.7%	1,388.13
ACUSHNET	9,844,572	7,886,081	(2,158,491)	-28.1%	804.49	CLARKSBURG	1,690,364	1,604,031	(86,333)	-5.4%	919.22	HANSON	10,707,590	11,129,672	422,082	3.8%	1,232.79
ADAMS	6,497,593	6,904,843	407,250	5.9%	731.07	CLINTON	13,857,016	14,312,103	455,087	3.2%	1,082.45	HARDWICK	2,095,225	2,069,468	(25,757)	-1.2%	867.70
AGAWAM	32,966,126	32,789,330	(166,796)	-0.5%	1,200.43	COHASSET	11,720,348	12,061,680	341,332	2.8%	1,704.83	HARVARD	9,532,300	9,548,510	16,210	0.2%	774.48
ALFORD	479,930	627,865	147,735	23.5%	1,501.59	COURAIN	1,832,705	1,527,621	(305,084)	-20.0%	869.45	HARWICH	20,052,576	21,630,673	1,578,097	7.3%	2,105.17
AMESBURY	18,794,324	17,545,970	(1,248,354)	-7.1%	1,169.97	CONCORD	27,748,558	28,573,028	824,470	2.9%	1,673.29	HATFIELD	3,118,579	3,150,391	31,812	1.0%	989.44
AMHERST	26,455,926	27,391,323	935,395	3.4%	777.54	CONWAY	1,613,301	2,281,108	667,807	29.3%	1,491.90	HAVERHILL	69,295,280	58,297,217	(10,998,063)	-18.9%	1,133.79
ANDOVER	52,682,549	50,815,014	(2,067,535)	-4.1%	1,736.30	CUMMINGTON	931,083	877,415	(53,668)	-6.1%	1,117.73	HOLDEN	406,516	392,974	(13,542)	-4.0%	1,239.67
ARLINGTON	46,161,873	46,168,479	(13,394)	-0.0%	1,034.47	DALTON	8,866,131	6,918,959	(2,828)	0.8%	967.01	HEATH	853,472	852,127	(1,345)	-0.2%	1,190.12
ASHBURNHAM	4,197,120	4,292,616	95,496	2.2%	790.10	DANVERS	40,819,023	41,454,778	635,755	1.5%	1,714.85	HINGHAM	28,716,681	28,426,869	(289,812)	-1.0%	1,434.18
ASHBY	2,048,026	2,250,171	202,145	9.0%	828.18	DARTMOUTH	25,076,696	24,897,325	(179,373)	-1.5%	902.52	HINSDALE	1,737,240	1,670,413	(66,827)	-4.0%	852.69
ASHFELD	1,543,907	1,714,686	170,779	10.0%	999.82	DEDHAM	33,185,499	33,668,817	483,318	1.4%	1,415.73	HOLBROOK	14,393,255	13,952,332	(440,923)	-3.2%	1,263.68
ASHLAND	16,013,535	16,650,110	636,575	3.8%	1,379.82	DEERFIELD	4,734,880	4,635,204	(99,676)	-2.2%	923.72	HOLDEN	15,848,647	15,785,703	(62,944)	-0.4%	1,079.14
ATHOL	7,569,699	7,345,549	(224,150)	-3.1%	641.48	DENNIS	20,314,150	22,908,467	2,594,317	11.3%	1,652.37	HOLLAND	1,967,550	2,237,067	269,537	12.0%	1,023.84
ATTLEBORO	49,955,974	44,251,302	(5,704,672)	-12.9%	1,152.89	DIGHTON	4,357,973	4,592,691	234,718	5.1%	815.61	HOLLISTON	16,571,059	16,787,680	196,621	1.2%	1,297.21
AUBURN	17,297,473	17,845,585	548,112	3.1%	1,169.97	DOUGLAS	5,769,752	5,883,599	113,847	1.9%	1,081.94	HOLYOKE	58,814,096	52,547,754	(6,266,342)	-11.5%	1,202.36
AVON	7,937,461	7,457,227	(480,234)	-6.4%	1,636.07	DOVER	8,678,976	9,217,427	538,451	5.8%	1,875.37	HOPEDALE	5,781,814	6,001,851	220,037	3.7%	1,059.27
AYER	14,794,559	15,437,932	643,373	4.2%	2,246.82	DRACUT	23,577,432	21,802,941	(1,774,491)	-8.1%	951.88	HOPKINTON	12,798,571	13,127,980	329,419	2.5%	1,428.35
BARNSTABLE	51,102,402	55,763,225	4,660,823	8.4%	1,361.77	DUDLEY	5,435,103	4,994,337	(440,766)	-8.8%	523.52	HUBBARDSTON	2,192,508	2,260,999	68,491	3.0%	808.37
BARRE	3,865,254	4,037,520	172,266	4.3%	888.15	DUNSTABLE	1,996,002	2,230,792	234,790	10.5%	997.67	HUDSON	23,531,152	23,737,783	206,631	0.9%	1,377.46
BECKET	1,848,073	1,848,431	358	0.2%	1,248.10	DUXBURY	23,316,559	23,815,812	499,253	2.5%	1,721.19	HULL	15,720,631	15,421,111	(299,520)	-1.9%	1,473.45
BEDFORD	26,432,355	27,428,915	996,560	3.6%	2,110.57	EBRIDGEWATER	16,370,239	15,777,887	(592,352)	-3.8%	1,042.92	HUNTINGTON	1,539,033	1,604,783	65,750	4.1%	807.64
BELCHERTOWN	11,245,907	11,133,941	(111,966)	-1.0%	1,052.46	ELBROOKFIELD	1,189,275	1,273,103	83,828	6.6%	628.22	IPSWICH	16,274,365	16,451,895	177,530	1.1%	1,365.66
BELLINGHAM	19,793,494	19,842,817	49,323	0.2%	1,333.79	ELONGMEADOW	16,390,558	16,398,819	8,261	0.1%	1,226.81	KINGSTON	11,035,928	10,843,928	(191,998)	-1.8%	1,198.89
BELMONT	40,054,823	40,882,350	827,527	1.5%	1,845.73	EASTHAM	8,708,203	8,974,376	266,173	3.0%	2,011.29	LAKEVILLE	7,794,121	7,348,114	(446,007)	-6.1%	943.88
BERKLEY	4,462,641	4,436,288	(26,353)	-0.6%	1,047.04	EASTHAMPTON	15,742,121	14,768,885	(973,236)	-6.6%	950.56	LANCASTER	6,431,812	5,551,611	(880,201)	-15.9%	833.45
BERLIN	2,524,332	2,554,277	29,945	1.2%	1,113.95	EASTON	22,995,006	23,065,374	70,368	0.3%	1,164.51	LANESBOROUGH	3,851,033	3,917,175	66,142	1.7%	1,291.94
BERNARDSTON	1,952,933	2,013,290	60,347	3.0%	983.05	EDGARTOWN	8,997,093	9,230,585	233,492	2.5%	3,014.56	LAWRENCE	76,360,105	71,612,972	(4,747,133)	-6.6%	1,020.03
BEVERLY	51,478,152	51,537,035	58,883	0.1%	1,249.31	EGBRONT	1,664,500	1,871,999	207,499	11.1%	1,523.19	LEE	7,828,480	8,364,955	536,475	5.2%	1,430.15
BILLERICA	54,680,356	52,004,944	(2,655,412)	-5.1%	1,382.78	ERVING	2,277,184	2,249,036	(28,148)	-1.3%	1,639.24	LEICESTER	9,466,503	9,116,830	(349,673)	-3.8%	894.60
BLACKSTONE	5,169,444	5,180,488	10,044	-0.2%	643.21	ESSEX	3,449,762	3,660,016	210,254	5.7%	1,122.70	LENOX	6,817,088	7,153,135	336,047	4.7%	1,411.15
BLANDFORD	1,064,536	1,080,051	15,515	1.3%	802.85	EVERETT	53,956,861	55,316,275	1,359,414	2.5%	1,549.43	LEOMINSTER	36,656,188	33,935,708	(2,720,478)	-8.0%	889.65
BOLTON	4,079,745	4,362,443	282,698	6.5%	1,391.97	FAIRHAVEN	15,206,802	15,823,421	616,619	2.7%	968.47	LEXINGTON	1,629,519	1,833,117	203,598	11.1%	1,028.96
BOSTON	1,358,767,141	1,317,401,496	(41,365,645)	-3.1%	2,293.99	FALL RIVER	103,083,265	106,105,965	3,022,700	2.8%	1,444.58	LEYDEN	50,315,345	51,177,779	862,434	1.7%	1,766.33
BOURNE	20,897,165	21,728,372	831,207	3.8%	1,352.61	FALMOUTH	45,229,945	44,649,230	(580,715)	-1.3%	1,596.90	LINCOLN	650,011	699,209	49,198	7.0%	1,056.21
BOXBOROUGH	5,082,028	5,356,710	274,682	5.1%	1,802.37	FITCHBURG	45,967,386	44,187,036	(1,780,350)	-4.0%	1,072.86	LITTLETON	10,800,218	11,254,597	454,379	4.0%	1,468.12
BOXFORD	8,812,741	8,691,362	(121,379)	-1.4%	1,387.07	FLORIDA	995,847	1,033,666	37,819	3.7%	1,393.08	LITTLETON	10,864,261	10,913,675	249,414	2.3%	1,547.82
BOYLSTON	3,841,879	4,182,262	340,383	7.7%	1,183.47	FOXBOROUGH	18,846,429	18,503,149	(343,280)	-0.8%	1,264.14	LONGMEADOW	23,721,643	22,535,322	(1,186,321)	-5.3%	1,456.99
BRAINTREE	44,803,059	44,823,522	20,463	0.5%	1,324.73	FRAMINGHAM	90,812,230	91,835,318	1,223,088	1.3%	1,413.09	LOWELL	130,573,298	124,510,735	(6,062,563)	-4.9%	1,203.71
BREWSTER	15,364,371	16,222,561	858,190	5.2%	1,922.10	FRANKLIN	23,432,718	23,315,850	(116,868)	-0.5%	1,055.25	LUDLOW	21,719,590	22,222,288	502,698	2.3%	1,180.78
BRIDGEWATER	18,468,491	17,960,442	(508,049)	-2.8%	945.24	FREETOWN	7,830,469	8,126,614	296,145	2.4%	953.84	LUNENBURG	9,866,342	9,941,352	75,010	0.8%	1,090.42
BRIMFIELD	2,839,900	2,835,124	(4,776)	-0.2%	978.05	GARDNER	18,675,784	18,077,502	(598,282)	-3.3%	888.26	LYNN	112,421,143	103,342,919	(9,078,224)	-8.6%	1,271.99
BROOKTON	117,354,647	120,666,795	3,312,148	2.7%	1,300.46	GAYHEAD	885,971	937,764	51,793	5.5%	4,665.59	LYNNFIELD	15,247,321	15,681,317	433,996	2.8%	1,390.93
BROOKFIELD	2,541,506	2,648,133	106,627	4.0%	892.23	GEORGETOWN	7,130,596	7,001,182	(129,414)	-1.8%	1,096.68	MALDEN	71,688,544	72,746,880	1,048,336	1.4%	1,350.06
BROOKLINE	94,496,886	95,109,797	612,911	0.6%	1,738.18	GILL	958,995	1,053,475	94,480	9.0%	665.49	MANCHESTER	8,276,523	8,259,905	(16,618)	-0.2%	1,562.60
BUCKLAND	1,812,069	1,836,038	23,969	1.3%	952.30	GLOUCESTER	37,543,095	32,663,562	(4,879,533)	-14.9%	1,137.47	MANSFIELD	22,329,204	23,408,387	1,079,183	4.6%	1,412.87
BURLINGTON	43,737,221	44,603,358	866,137	1.9%	1,914.14	GOSHEN	897,248	901,125	3,877	0.4%	1,085.69	MARBLEHEAD	28,765,278	27,132,801	(1,632,477)	-6.0%	1,358.61
CAMBRIDGE	196,345,207	190,375,791	(5,969,416)	-3.1%	1,987.18	GOSNOLD	602,006	466,536	(135,470)	-29.2%	4,760.57	MARION	6,651,036	7,131,252	480,216	6.7%	1,586.13
CANTON	26,653,556	26,433,268	(220,288)	-0.8%	1,426.51	GRAFTON	11,853,385	12,485,887	632,502	4.3%	957.87	MARLBOROUGH	42,029,854	41,653,106	(376,748)	-0.9%	1,309.31
CARLISLE	8,236,046	8,367,459	131,413	1.6%	1,931.10	GRANBY	5,780,592	5,477,376	(303,216)	-5.5%	984.25	MARSHFIELD	31,518,780	27,330,683	(4,188,097)	-15.3%	1,269.36
CARVER	11,902,946	11,728,181	(174,765)	-1.5%	1,107.29	GRANVILLE	1,866,405	2,055,669	189,264	9.2%	1,465.41	MASHPEE	17,518,114	17,327,458	(190,656)	-1.1%	2,197.80
CHARLEMONT	1,355,895	1,362,097	6,202	0.5%	1,090.55	GT BARRINGTON	8,654,469	8,863,680	209,211	2.4%	1,147.40	MATTAPOISETT	7,185,982	7,856,149	470,167	6.1%	1,308.74
CHARLTON	6,231,670	6,073,335	(158,335)	-2.6%	634.22	GREENFIELD	22,890,061	24,089,192	1,199,131	4.6%	1,290.54	MAYNARD	13,830,165	14,110,494	280,329	2.0%	1,366.63
CHATHAM	12,586,004	13,049,208	463,204	3.5%	1,983.46	GROTON	8,377,964	9,041,297	663,333	7.3%	1,203.74	MEDFIELD	14,684,520	13,849,312	(835,208)	-5.9%	1,315.10
CHELMSFORD	43,284,226	43,547,804	263,578	0.6%	1,344.77	GROVELAND	4,947,843	5,537,116	589,273	10.6%	1,061.97	MEDFORD	66,237,197	66,884,707	647,510	1.0%	1,165.10
CHELSEA	40,911,585	34,702,829	(6,208,756)														



Municipality	FY91 Total Expenditures	FY92 Total Expenditures	Change 91-92	% Change 91-92	FY92 Exp. Per Capita	Municipality	FY91 Total Expenditures	FY92 Total Expenditures	Change 91-92	% Change 91-92	FY92 Exp. Per Capita	Municipality	FY91 Total Expenditures	FY92 Total Expenditures	Change 91-92	% Change 91-92	FY92 Exp. Per Capita	
METHUEN	45,087,817	45,404,276	316,859	0.7%	1,135.39	PRINCETON	3,623,240	4,293,315	670,075	15.6%	1,346.29	TYNGSBORO	9,994,499	11,490,404	1,495,905	13.0%	1,329.60	
MIDDLEBORO	22,819,145	21,307,859	(1,511,286)	-7.1%	1,192.57	PROVINCETOWN	11,348,454	11,589,919	251,465	2.2%	3,257.49	TYRINGHAM	567,397	530,894	(36,503)	-6.9%	1,438.20	
MIDDLEFIELD	915,478	549,008	(366,470)	-66.8%	1,400.53	QUINCY	124,164,811	126,601,828	2,437,017	1.9%	1,489.70	UPTON	3,630,108	4,102,208	472,098	11.5%	877.10	
MIDDLETON	5,964,782	6,152,544	187,762	3.1%	1,250.26	RANDOLPH	36,831,223	38,286,671	1,455,448	-1.4%	1,272.28	UXBRIDGE	11,735,007	11,492,578	(242,431)	-2.1%	1,103.46	
MILFORD	29,776,769	29,940,418	163,649	0.5%	1,180.85	RAYNHAM	11,925,594	11,319,178	(606,416)	-5.4%	1,147.18	WAKEFIELD	32,012,978	32,329,278	316,300	1.0%	1,302.29	
MILLBURY	13,127,902	13,499,615	371,713	2.8%	1,103.99	READING	31,019,013	30,016,011	(1,003,002)	-3.3%	1,331.74	WALES	1,739,519	1,652,693	(86,826)	-5.3%	1,055.36	
MILLIS	9,584,944	9,778,626	193,682	2.0%	1,284.48	REHOBOTH	7,396,935	7,501,713	104,778	1.4%	866.65	WALPOLE	24,520,142	24,718,781	198,639	0.8%	1,222.98	
MILLVILLE	1,549,428	1,815,075	265,647	14.6%	811.75	REVERE	58,518,813	56,930,192	(1,588,621)	-2.8%	1,330.58	WALTHAM	63,241,851	64,173,499	931,648	1.5%	1,108.77	
MILTON	34,897,345	36,457,213	1,559,868	4.3%	1,417.19	RICHMOND	1,982,455	2,102,771	120,316	5.7%	1,253.89	WARE	10,398,951	9,638,390	(760,561)	-7.9%	962.71	
MONROE	223,904	280,035	56,131	22.8%	2,522.04	ROCHESTER	5,847,061	5,874,562	27,501	0.5%	1,447.22	WARREN	2,729,379	2,710,781	(18,598)	-0.7%	610.95	
MONSON	8,269,843	8,879,087	609,244	6.9%	1,141.88	ROCKLAND	19,785,399	18,926,596	(858,803)	-4.5%	1,173.89	WARWICK	918,512	896,307	(22,205)	-2.6%	1,211.23	
MONTAGUE	6,539,618	7,155,056	615,440	8.6%	960.40	ROCKPORT	12,833,320	12,271,089	(562,231)	-4.6%	1,640.08	WASHINGTON	448,977	554,603	105,626	23.8%	901.79	
MONTEREY	1,109,278	1,226,271	116,993	9.5%	1,523.32	ROWE	1,491,375	1,624,676	133,301	8.2%	4,298.08	WATERTOWN	49,577,830	47,701,890	(1,875,940)	-3.9%	1,433.18	
MONTGOMERY	840,388	657,072	(183,316)	-25.5%	865.71	ROWLEY	5,614,487	5,326,470	(288,017)	-5.4%	1,196.42	WAYLAND	22,403,447	23,134,392	730,945	3.2%	1,948.32	
MT WASHINGTON	205,904	236,527	30,623	12.9%	1,752.05	ROYALSTON	738,323	709,076	(29,247)	-4.1%	618.20	WEBSTER	17,529,210	15,569,275	(1,959,935)	-12.6%	961.30	
NAHANT	5,330,896	5,852,935	522,039	8.9%	1,528.98	RUSSELL	1,250,868	1,320,141	69,273	5.2%	828.19	WELLESLEY	39,285,228	39,307,373	22,147	0.1%	1,478.89	
NAHANTUCKET	23,682,899	23,657,418	(25,481)	-0.1%	3,935.03	RUTLAND	4,645,823	4,753,261	107,438	2.3%	962.98	WELFLEET	6,051,265	6,212,859	161,594	2.6%	2,492.12	
NATICK	45,021,475	45,933,256	911,781	1.3%	1,494.37	SALEM	51,652,853	52,924,228	1,271,375	2.4%	1,369.42	WENDELL	1,106,050	1,117,945	11,895	1.1%	1,243.54	
NEEDHAM	47,213,112	47,635,046	421,934	0.9%	1,728.60	SALISBURY	7,726,059	7,901,826	175,767	2.2%	1,148.20	WENHAM	4,581,047	4,669,206	88,159	1.9%	1,108.55	
NEW ASHFORD	200,984	204,114	3,130	1.5%	1,063.09	SANDSFIELD	1,110,909	1,091,948	(18,961)	-0.8%	1,574.13	WBOYLSTON	6,379,855	6,564,997	185,142	2.8%	993.04	
NEW BEDFORD	120,252,556	112,128,436	(8,124,120)	-7.2%	1,122.18	SANDWICH	25,827,523	25,377,813	(449,710)	-1.8%	1,838.44	WBRIDGEWATER	8,621,720	8,606,238	(15,482)	-0.2%	1,347.04	
NEW BRANTREE	679,479	664,327	(15,152)	-2.1%	754.08	SAUGUS	32,275,777	32,094,276	(181,501)	-0.6%	1,256.19	WBRIDGEFIELD	2,072,598	2,106,952	34,354	1.6%	596.53	
NEW MARLBORO	1,664,407	1,766,624	102,217	5.8%	1,424.70	SAVOY	768,250	817,805	49,555	6.1%	1,289.91	WNEWBURY	4,757,602	4,710,719	(46,883)	-1.0%	1,377.00	
NEW SALEM	902,339	869,654	(32,685)	-4.1%	1,080.62	SEKONK	23,643,580	24,360,171	716,591	2.9%	1,451.22	WSPRINGFIELD	32,598,251	35,172,575	2,574,324	7.9%	1,277.28	
NEWBURY	5,937,637	6,486,132	548,495	8.6%	1,155.28	SEKONK	15,174,731	15,016,668	(158,063)	-1.1%	1,151.07	WSTOCKBRIDGE	2,019,577	1,909,489	(110,088)	-5.8%	1,287.59	
NEWBURYPORT	21,383,555	21,268,747	(114,808)	-0.5%	1,303.35	SHARON	22,426,017	22,319,415	(106,602)	-0.5%	1,438.38	WSTOCKBRIDGE	2,019,577	1,909,489	(110,088)	-5.8%	1,287.59	
NEWTON	129,090,113	131,420,051	2,329,938	1.8%	1,591.33	SHEFFIELD	3,295,137	3,457,796	162,659	4.7%	1,188.25	WSTOCKBRIDGE	2,019,577	1,909,489	(110,088)	-5.8%	1,287.59	
NORFOLK	8,829,252	8,865,292	(36,040)	-0.4%	934.77	SHELBURNE	1,679,047	1,725,395	46,348	2.7%	857.55	WSTOCKBRIDGE	2,019,577	1,909,489	(110,088)	-5.8%	1,287.59	
N ADAMS	18,408,643	18,219,029	(189,614)	-1.0%	1,084.66	SHERBORN	7,969,598	8,241,894	272,296	3.3%	2,006.16	WESTFORD	22,038,683	23,408,051	1,369,368	5.8%	1,428.02	
N ANDOVER	31,090,658	29,827,848	(1,262,810)	-4.2%	1,308.69	SHIRLEY	5,004,860	4,967,411	(37,449)	-0.7%	811.93	WESTHAMPTON	1,949,533	1,780,823	(168,710)	-9.5%	1,341.99	
N ATTLEBORO	28,318,686	27,856,818	(461,868)	-1.7%	1,112.57	SHREWSBURY	28,064,852	28,308,918	244,066	0.9%	1,172.41	WESTMINSTER	5,060,364	5,236,217	175,853	3.4%	845.78	
N BROOKFIELD	4,588,049	4,242,949	(345,100)	-8.1%	901.22	SHUTEGBURY	1,691,785	1,891,694	199,909	10.6%	1,211.85	WESTON	23,038,968	24,139,382	1,100,414	4.6%	2,368.81	
N BROAD	18,899,116	17,618,174	(1,280,942)	-7.1%	1,392.95	SOMERSET	23,695,659	23,335,873	(359,786)	-1.5%	1,321.77	WESTPORT	13,567,511	14,514,276	946,765	6.5%	1,047.81	
NORTHAMPTON	35,006,406	36,074,230	1,067,822	3.0%	1,231.66	SOMERVILLE	101,902,741	95,368,047	(6,534,694)	-6.9%	1,251.38	WESTWOOD	21,043,255	22,252,016	1,208,761	5.4%	1,772.08	
NORTHBOROUGH	16,479,068	16,417,137	(61,931)	-0.4%	1,376.24	SOUTH HADLEY	16,358,604	16,486,668	128,064	0.8%	968.11	WEYMOUTH	61,992,309	59,085,284	(2,907,025)	-4.9%	1,092.90	
NORTHERIDGE	13,506,153	11,624,693	(1,881,460)	-18.2%	869.40	SOUTHAMPTON	4,283,039	4,251,456	(31,583)	-0.7%	949.41	WHATELY	1,832,586	2,064,405	231,819	11.2%	1,501.39	
NORTHFIELD	2,814,267	2,796,325	(17,942)	-0.6%	965.32	SOUTHBOROUGH	9,589,403	9,524,981	(64,422)	-0.7%	1,437.08	WHITMAN	14,460,430	13,863,869	(596,561)	-4.3%	1,074.12	
NORTON	18,058,935	18,850,359	791,424	4.4%	1,181.24	SOUTHERIDGE	16,677,623	15,870,740	(806,883)	-5.1%	890.81	WILBRAHAM	14,378,762	14,042,724	(336,038)	-2.4%	1,111.41	
NORWELL	15,150,506	15,531,349	380,843	2.5%	1,673.82	SOUTH WICK	5,631,224	6,010,847	379,623	6.3%	783.99	WILLIAMSBURG	3,169,472	3,266,461	96,989	3.0%	1,298.79	
NORWOOD	64,829,908	68,226,595	3,396,686	5.2%	2,377.23	SPENCER	7,428,707	7,373,745	(54,962)	-0.7%	633.21	WILLIAMSTOWN	7,581,864	7,519,087	(62,777)	-0.8%	914.73	
OAK BLUFFS	6,303,150	6,479,169	176,019	2.7%	2,310.69	SPRINGFIELD	207,718,871	209,718,323	1,999,452	1.0%	1,335.93	WILMINGTON	32,359,262	32,267,532	(91,730)	-0.3%	1,828.09	
OAKHAM	1,351,579	1,185,310	(166,269)	-14.0%	788.63	STERLING	11,898,389	11,632,020	(266,369)	-2.2%	1,794.79	WINCHENDON	8,708,469	8,383,223	(325,246)	-3.9%	952.10	
ORANGE	8,128,784	8,333,526	204,742	2.5%	1,139.71	STOCKBRIDGE	2,833,018	3,165,387	332,369	7.3%	1,314.53	WINCHESTER	33,174,591	34,070,550	895,959	2.6%	1,681.09	
ORLEANS	11,844,017	12,709,241	865,224	7.3%	2,176.99	STONEHAM	29,196,113	30,018,691	822,578	2.7%	1,352.01	WINTHROP	21,663,229	22,820,444	1,157,215	5.1%	1,258.92	
OTIS	1,832,093	1,992,653	160,560	8.1%	1,857.09	STOUGHTON	30,607,526	31,792,645	1,185,119	3.7%	1,187.31	WOBBURN	50,643,536	52,407,177	1,763,641	3.4%	1,458.08	
OXFORD	12,890,686	12,767,242	(123,444)	-1.0%	1,014.24	STOW	7,830,502	7,729,173	(101,329)	-1.3%	1,450.67	WORCESTER	210,114,408	201,205,845	(8,908,563)	-4.4%	1,185.24	
PALMER	15,091,904	15,975,085	883,181	5.5%	1,325.29	STURBRIDGE	10,079,057	9,894,283	(184,774)	-1.9%	1,272.58	WORTHINGTON	1,042,036	1,160,110	118,074	10.2%	1,003.56	
PAXTON	6,464,307	6,425,818	(38,489)	-0.6%	1,587.75	SUBURB	24,289,681	25,621,917	1,332,236	5.2%	1,784.50	WRENTHAM	9,365,567	9,211,085	(154,482)	-1.7%	1,022.77	
PEABODY	58,550,478	57,965,516	(584,962)	-1.0%	1,232.29	SUNDELAND	3,259,640	3,207,564	(52,076)	-1.6%	943.68	YARMOUTH	27,515,752	28,937,995	1,422,243	4.9%	1,366.68	
PELHAM	1,454,804	1,487,299	32,495	2.2%	1,083.25	SUTTON	9,004,338	9,017,057	12,719	0.1%	1,321.37	STATE TOTALS	8,433,496,120	8,348,347,857	(85,148,263)	-1.0%	1,287.59	
PEMBROKE	17,171,721	17,528,450	356,729	2.0%	1,205.20	SWAMPSCOTT	21,170,130	22,162,285	992,155	4.5%	1,623.61							
PEPPERELL	7,090,646	7,285,560	194,914	2.4%	719.50	SWANSEA	15,910,919	15,670,784	(240,135)	-1.5%	1,016.86							
PERU	716,402	741,865	25,463	3.4%	952.07	TAUNTON	55,172,003	53,505,276	(1,666,727)	-3.1%	1,073.71							
PETERSHAM	1,148,078	1,188,940	40,862	3.4%	1,051.34	TEMPLETON	3,695,224	3,896,723	201,499	5.2%	605.27							
PHILLIPSTON	841,746	848,959	7,213	0.8%	570.23	TEWKSBURY	37,539,166	37,032,597	(506,569)	-1.4%	1,358.20							
PITTSFIELD	64,730,481	63,194,768	(1,535,713)	-2.4%	1,299.72	TISBURY	7,197,248	7,679,228	481,980	6.3%	2,461.29							
PLAINFIELD	666,480	744,331	77,851	10.5%	1,303.56	TOLLAND	569,123	391,545	(177,578)	-45.4%	1,354.83							
PLAINVILLE	7,909,753	7,909,240	(513)	-0.0%	1,151.1													

**When reviewing this Focus, please be aware that dramatic changes in spending from one year to the next may indicate actual reductions, changes in reporting (i.e., the transferring of a function from the general fund to an enterprise fund) or other exceptional factors. Some large increases and decreases are the result of a significant change in debt service, marking the beginning or end of a major capital financing. Large swings in spending merit further exploration for the underlying factors.**

## Focus

→ continued from page three

**Table 2** Capital Outlay and Construction are excluded, as are expenditures outside the General Fund, such as Special Revenue Funds, Enterprise Funds, and Capital Projects Funds.

<b>Total General Fund Expenditures by Function FY87 – FY92</b>											
<b>State Totals, Massachusetts Cities and Towns</b>											
EXPENDITURES	87–88		88–89		89–90		90–91		91–92		
FUNCTION	FY87	FY88	% Chg	FY89	% Chg	FY90	% Chg	FY91	% Chg	FY92	% Chg
General Government	364,088,481	411,894,449	13.1	445,585,465	8.2	456,861,081	2.5	452,407,117	-1.0	428,266,830	-5.3
Police	477,296,379	534,461,286	12.0	590,169,859	10.4	620,844,165	5.2	633,717,725	2.1	627,421,237	-1.0
Fire	410,692,780	453,461,947	10.4	492,183,077	8.5	516,595,783	5.0	521,668,263	1.0	512,768,449	-1.7
Other Public Safety	115,832,325	130,446,763	12.6	134,430,919	3.1	142,709,003	6.2	151,499,043	6.2	146,521,540	-3.3
Education	2,774,715,529	3,028,393,721	9.1	3,277,386,318	8.2	3,440,838,075	5.0	3,557,874,776	3.4	3,516,412,060	-1.2
Highways	355,481,016	314,665,588	-11.5	311,000,741	-1.2	333,862,310	7.4	306,913,395	-8.1	292,070,843	-4.8
Other Public Works	326,324,342	432,027,948	32.4	426,509,522	-1.3	426,988,871	0.1	395,340,137	-7.4	379,981,552	-3.9
Health and Welfare	300,985,876	306,917,046	2.0	359,016,066	17.0	348,983,201	-2.8	307,459,505	-11.9	294,775,294	-4.1
Culture and Recreation	163,153,797	186,088,559	14.1	200,286,685	7.6	197,075,557	-1.6	191,161,145	-3.0	180,073,132	-5.8
Debt Service	398,068,092	432,239,758	8.6	459,240,787	6.2	522,773,113	13.8	534,071,913	2.2	533,279,177	-0.1
Fixed Costs	786,786,960	831,752,561	5.7	894,989,283	7.6	986,412,830	10.2	1,079,014,451	9.4	1,094,989,082	1.5
Intergovernmental	245,304,143	248,584,223	1.3	214,744,265	-13.6	229,356,549	6.8	258,283,122	12.6	277,878,792	7.6
Other	35,838,767	55,912,086	56.0	61,135,557	9.3	63,874,234	4.5	44,085,528	-31.0	63,910,005	45.0
<b>TOTAL</b>	<b>6,754,568,487</b>	<b>7,366,845,935</b>	<b>9.1</b>	<b>7,866,678,344</b>	<b>6.8</b>	<b>8,287,174,772</b>	<b>5.3</b>	<b>8,433,496,120</b>	<b>1.8</b>	<b>8,348,347,993</b>	<b>-1.0</b>

trash pickup, sewer, water; others offer none. In addition, some communities that do offer certain services may pay for them outside the general fund; therefore, the cost of these services would not be included in this analysis.

### Population as a Spending Factor

As shown in past *Focus* articles, community size is a highly influential factor in determining both the magnitude and type of municipal expenditures. (See *Table 3* for spending per capita by community size data.) Larger municipalities spend more on a per capita basis than their smaller counterparts. They generally spend more per capita on police, fire and other public safety as well as health and welfare, fixed costs, inter-governmental and other expenditures. Smaller communities on the other hand, have higher general government, education, highway and other public works expenditures.

This analysis does not address other factors that may affect municipal expenditures, such as age of buildings, population density and age of residents. Also, different types of communities require a different mix and level of services. For example, larger, densely pop-

**Table 3**

### FY92 Per Capita Spending by Community Size and Function

Function	Population					
	0 to 2k	2k to 5k	5k to 10k	10k to 20k	20k to 50k	50k plus
General Government	102.34	89.99	77.19	68.46	64.19	74.51
Police	37.65	88.57	86.60	82.48	81.83	133.25
Fire	15.78	29.80	36.34	59.89	86.90	114.83
Other Public Safety	19.02	23.91	18.70	13.21	12.74	41.28
Education	657.67	635.87	603.64	661.32	574.72	542.73
Public Works Highway	141.53	83.40	59.01	54.64	49.14	36.76
Other Public Works	46.36	57.35	47.80	50.46	86.75	54.30
Health and Welfare	12.99	27.00	18.52	14.89	14.80	105.08
Culture and Recreation	17.08	23.20	22.06	27.42	30.34	33.65
Debt Service	71.17	114.72	103.41	95.27	78.49	88.68
Fixed Costs	83.40	108.90	110.41	140.58	157.44	249.48
Intergovernmental	18.11	17.51	16.06	21.93	47.31	67.81
Other Expenditures	15.09	7.64	6.56	6.99	5.80	17.59
Avg Per Capita Spending By Community Size	1,238.18	1,307.86	1,206.32	1,297.56	1,300.45	1,559.95

ulated urban areas often have a significant number of low income residents who may require more health and welfare services. It is also logical that smaller communities who do not benefit from economies of scale spend more per capita on large scale expenditures; education and general government expenditures are examples of these. Another example would be that resort communities must provide public safety services to many non-residents, elevating their per capita costs. ■

**Note:** This analysis is based on the FY92 Schedule A data for 351 communities. The complexity of collecting, verifying and processing this information from the Schedule A for

351 cities and towns results in a significant time lag before complete data are available.

Because the 1992 Census population data have not yet been released, 1990 population data were used to calculate both the FY91 and FY92 spending per capita figures.

Other Public Safety includes Emergency Medical Services, Protective Inspection such as Building and Gas, and other services such as Harbormaster and Dog Officer.

Public Works includes: Engineering, Waste and Sewerage Collection and Disposal, Water, Electric, and Gas Distribution, Transportation Facilities, and other services. Fixed Costs include: Retirement Benefits, Worker's Compensation, Unemployment, Health, Life and Liability Insurance, and other Employee Benefits.

# DLS UPDATE

## *Recent Improvements to the Property Tax Exemption Process*

Municipalities and districts are required by Chapters 58 and 59 of Massachusetts General Laws to grant certain individuals partial exemptions from property taxes. According to §8 and 8A of Chapter 58 and §5 of Chapter 59, property owners are eligible for a property tax exemption if they have income and/or estate values lower than the amounts specified in the statute. Individuals eligible for these exemptions include veterans, paraplegics, blind and elderly persons, as well as the surviving spouses and minor children of these persons who formerly received exemptions. These exemptions reduce the total property taxes eligible property owners must pay. Massachusetts General Laws authorize reimbursement of part or all of the local tax revenue lost by a municipality or district when granting certain property tax exemptions.

The appropriation for state reimbursement in FY94 totals \$23.9 million, and for many cities and towns these payments are a significant portion of state aid. Each year, virtually all municipalities and districts, except for a few that do not have any taxpayers eligible for state-reimbursed exemptions, receive some state funds under these programs.

During the past months, staff from the Municipal Data Management and Technical Assistance Bureau have reviewed the entire process for reimbursing municipalities and districts for

property tax revenue loss. The objectives were:

- Simplifying the application and reporting process
- Developing simpler application forms
- Encouraging local use of computerized applications
- Expediting reimbursement payments by the Department of Revenue

The revised reimbursement process has been described in Information Guideline Release (IGR) 93-302, Reimbursement of Property Tax Exemptions, which includes copies of all the revised forms and may be duplicated as needed. The Division of Local Services recently distributed IGR 93-302 to municipal assessors, chief executives and finance directors.

One objective of the revised state reimbursement program is to facilitate timely reporting to DOR of property tax exemptions granted. The submission of these reimbursement request forms is critical; they are the only state-wide record of all municipal and district tax exemptions granted, and are important to future policy making decisions. Another objective of the revised payment program is to generate payments for all approved applications every two weeks.

The technical requirements for each of these programs are described in a variety of publications available from DOR. Those dealing with Clause 41, 41B and 41C Elderly Exemptions, were

described in detail in the June edition of *City & Town* (Volume 6, Number 6, 1993). The requirements for Veterans, Blind Persons, and Surviving Spouses Clauses of M.G.L. Chapter 59, §5, prior to January 1993, can be found in Municipal Bulletin No. 30, *Laws Relating to Municipal Finance and Taxation*. After January 1993, a new clause was added for the reimbursement for the Elderly Water and Sewer Exemptions; this clause can be found in IGR 93-207, Property Tax Increases for Water and Sewer Debt Cost.

For further information concerning state reimbursement of property tax exemptions, please contact Kennya Ubeda at (617) 727-2300. ■

## *FY94 Reimbursement Changes for Exemptions Granted to Elderly Taxpayers*

Certain municipalities granting exemptions to elderly property owners will find an increase in reimbursements in their upcoming payment from the state treasurer. The increase is the result of language in the FY94 State Budget. Specifically, the budget authorizes the Commonwealth to pay towns granting exemptions under the provisions of §5, Clauses 41B and 41C of Chapter 59 of the Massachusetts General Laws an additional \$2 per exemption granted for additional costs incurred in determining eligibility of applicants. Questions regarding these reimbursements can be directed to Kennya Ubeda at (617) 727-2300. ■

## Municipal Fiscal Calendar

### March 1

**DOR/MDM-TAB:** Notification of Cherry Sheet Estimates for the Following Year (pending action taken by the Legislature)

The Cherry Sheet is an estimate of: 1) Receipts — local reimbursement and assistance programs as authorized by law and appropriated by the General Court; and 2) Assessments — state and county assessments and charges to local governments. All amounts listed on the Cherry Sheet are *estimates*. Actual receipts and charges are based on formulas or guidelines for each program. Copies are mailed to all financial officials. If a member of a regional school district, municipalities also receive a copy of the region's cherry sheet and analysis sheet.

**Personal Property Owner:** Submit Form of List

This is a listing of all personal property filed by the owner with the Assessors each year for the purpose of taxes in the next fiscal year.

**Non-Profit Organization:** Final Filing Date for 3-ABC Forms

These must be filed on or before March 1 or later if extended by the Assessors. In no event should they be filed later than 30 days after the tax bill is first mailed.

### March 31

**State Treasurer:** Notification of Quarterly Local Aid Payment on or before March 31.

### State Reimbursement for Police Salary Increases

→ continued from page two

plaintiffs did not unequivocally demonstrate that there was a State obligation to reimburse communities in the absence of a specific appropriation. Furthermore, under the separation of powers found in our constitutional system, the SJC was unwilling to order the Legislature or the Governor to act in this matter.

In conclusion, the 50% State reimbursement for city and town police salary increases found in §108L of Chapter 41 does not create an obligation for the Commonwealth in the absence of an appropriation by the Legislature. However, it should be noted that in FY93, a supplemental appropriation of \$4.5 million was initiated by the Governor and approved by the Legislature. This was the first time since FY88 that municipalities participating in the program received the full 50% reimbursement. This fiscal year, the Governor and Legislature are continuing to fully fund the reimbursement and appropriated \$13.7 million. For FY95, the Governor has included full funding for the Police Career Incentive Program in his FY95 Budget recommendation. ■

8.7M-2/94-12028

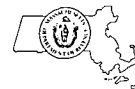
## Data Bank Highlight

Spending data from Schedule A for FY92 or any year going back to FY85 is available in several standard reports from the *Municipal Data Bank*. Spending by the functional categories mentioned in this month's *Focus* (general government, police, fire, etc.) can be obtained in two particular reports. The *Comparative Expenditure* report compares a community's expenditures to those of up to 20 others in dollars, dollars per capita and percentage of the budget. The *Expenditure Trends* report shows a municipality's expenditures by function for the past five years. A number of other spending reports are also available upon request. ■

**Note:** The Municipal Data Bank is a clearing-house for a wide variety of municipal, financial and socio-economic data. This information can be obtained on printouts or diskettes (617-727-2300 x 476) as well as via computer modem on the On-Line Access System (617-727-4401). There is no charge to public officials.

## City & Town Editorial Board

Managing Editor: Sharyn Adelman  
Bureau of Accounts: Judy Luca  
Technical Assistance: Frederick Kingsley  
Executive Bureau: Marilyn Browne  
Property Tax Bureau: Harry Grossman  
Bureau of Local Assessment: Gary McCabe  
Western Regional Office: Gale Ann Marceau  
Municipal Data Bank: John Sanguinet  
Division Contributors: Robert Addelson,  
James Crowley, James Johnson, Christopher  
Harrington, Roger Hatch, Robert Marden,  
Kay Meinel, Melinda Ordway and Kenna  
Ubada



## CITY & TOWN

Division of Local Services  
PO Box 9655  
Boston, MA 02114-9655

BULK RATE  
U.S. POSTAGE  
PAID  
COMMONWEALTH OF  
MASSACHUSETTS

Address Correction Requested

BOARD OF SELECTMEN  
TOWN HALL  
ACTON, MA 01720



printed on recycled paper

BOARD OF ASSESSORS

MINUTES

FEBRUARY 28, 1994

1. The minutes of February 15, were read and approved.
2. 1993 Motor vehicle commitment and warrant #28 was signed by the Board.
3. 1992 Motor vehicle commitment and warrant #33 was signed by the Board.
4. The Board agreed to abate an excise tax bill for Judy Wolff \$5.00 for 1993 and 1994.
5. The Board reviewed an overvaluation application for Hirsch, 52 Ethan Allen Drive. No decision made at this time.
6. The Board agreed to abate value on property owned by Guy McKaye at 982 Main Street. The amount was not determined at this time.
7. The Board briefly reviewed an abatement application on 30 Sudbury Road. No decisions made at this time.

Attendance: James Kotanchik  
Robert Adams  
Donald Rhude  
Brian McMullen



REC'D 3/7 @ MF.

**ACTON PUBLIC SCHOOLS • ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT**

16 Charter Road • Acton, MA 01720-2995 • (508) 264-4700 • FAX (508) 263-8409

OFFICE OF THE SUPERINTENDENT  
William L. Ryan  
Director of Business and Community Education

March 4, 1994

CC: BOS

Mr. Donald Johnson  
Town Manager  
Acton Town Hall  
Main Street  
Acton, MA 01720

Dear Don:

The following warrant articles for the local and regional schools reflect the budgets as voted by the school committees:

Article Local School Budget

To see what sums of money the Town will raise and appropriate, or appropriate from available funds, to defray the necessary expenses of the Local Schools, or take any action relative thereto.

Acton Public Schools \$9,967,380

Article Regional School Budget

To see what sums of money the Town will raise and appropriate, or appropriate from available funds, to defray the necessary expenses of the Acton-Boxborough Regional School District, or take any action relative thereto.

Acton-Boxborough Regional School District \$8,035,260

Mr. Donald Johnson

-2-

March 4, 1994

Enclosed is a copy of a motion for the local schools including appropriate wording for an override amount.

Please give me a call if you need any further information.

Sincerely,

*Bill*

William L. Ryan,  
Director of Business and  
Community Education

WLR/baw

Encl 1

cc: Isa Zimmerman  
Peter Beanland  
Christine Joyce

ROPES & GRAY  
ONE INTERNATIONAL PLACE  
BOSTON, MASSACHUSETTS 02110-2624

30 KENNEDY PLAZA  
PROVIDENCE, R. I. 02903  
(401) 455-4400  
TELECOPIER: (401) 455-4401

(617) 951-7000  
TELECOPIER: (617) 951-7050

Writer's Direct Dial Number: (617) 951-7477

100 PENNSYLVANIA AVENUE, N. W.  
SUITE 1200 SOUTH  
WASHINGTON, D. C. 20004  
(202) 626-3900  
TELECOPIER: (202) 626-3961

March 2, 1994

By Telecopy: (508) 263-8409

William L. Ryan  
Director of Business and  
Community Education  
Acton-Boxborough Regional School District  
16 Charter Road  
Acton, MA 01720-2995

Dear Bill:

In response to your request in our telephone conversation yesterday afternoon, I suggest that the school appropriation motion could be worded along the following lines:

I move that the sum of \$(A budget) be appropriated for the Acton Public Schools; provided, however, that of this amount the appropriation of \$(override amount) shall be contingent upon the passage of an override question at a town election pursuant to the provisions of Section 21C(g) of Chapter 59 of the General Laws (Proposition 2½).

The actual text of the appropriation should, of course, follow that customarily used by the Town.

As provided in Chapter 59, Section 21C(m), of the General Laws, the first election at which the question is voted upon must be held no later than 45 days after the date the contingent appropriation vote was passed by the town meeting and the second or any subsequent election must be held within 90 days of the town meeting vote.

Please let me know if you have any questions.

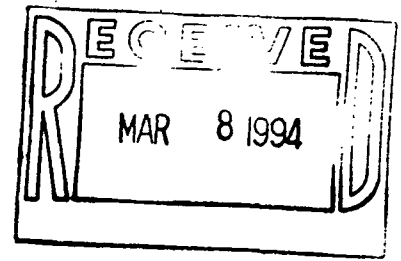
Sincerely,

  
Henry L. Hall, Jr.

HLH/bjw:ELHWLR.AS



CC: BOS  
CABLE ADVIS. COMM.



Commonwealth of Massachusetts  
COMMUNITY ANTENNA TELEVISION COMMISSION

In Re:

Regulation of Rates for  
Basic Service Tier and Associated  
Equipment

February 10, 1994

Docket Nos.:

Acton	Y-93
Bedford	Y-93
Boston	Y-93
Braintree	Y-93
Brookline	Y-93
Fitchburg	Y-93
Gardner	Y-93
Georgetown	Y-93
Groveland	Y-93
Haverhill	Y-93
Hudson	Y-93
Leominster	Y-93
Lexington	Y-93
Lunenburg	Y-93
Lynnfield	Y-93
Maynard	Y-93
Norwood	Y-93
Peabody	Y-93
Stow	Y-93
Sudbury	Y-93
Templeton	Y-93
Westminster	Y-93
Westwood	Y-93

ORDER IN RESPONSE TO REQUEST FOR CONFIDENTIALITY

I. Procedural Background

1. In October and November of 1993 the Community Antenna Television Commission (the "Commission") informed Cablevision Systems, A/R Cable Services, Cablevision of Boston, and Cablevision of Brookline (together, hereinafter referred to as "Cablevision") that they are subject to rate regulation in the communities which requested that the Commission regulate Cablevision's rates for the basic tier of service and associated equipment.<sup>1</sup>

<sup>1</sup> The communities include all of those listed with docket numbers in the heading of this decision.

2. As part of its notice to Cablevision, the Commission requested that Cablevision file with the Commission its Federal Communications Commission (the "FCC") Form 393 for each community which requested basic tier rate regulation. In addition to the Form 393 and pursuant to the authority granted to the Commission under state and federal law, the Commission also requested that Cablevision file certain information to supplement and support its Form 393 rate filings.

3. In response to this request for additional information, Cablevision transmitted to the Commission the additional requested material for each community. In its transmittal letter, Cablevision requested that "the information provided in response to Item No. 2 (Detail of Salaries) be designated as confidential information in accordance with exemption 4 of the Freedom of Information Act. . . ." Cablevision did not supply the information for which it requested confidential treatment to its issuing authorities.<sup>2</sup>

4. This Order is issued in response to Cablevision's request for confidential treatment of the Detail of Salaries included in its rate filings. In considering Cablevision's request, the Commission has undertaken a review of that request, applicable state and federal statutory law and regulations and relevant case law.

## II. Analysis

### A. The Freedom of Information Act

5. The Commission's regulations state that the Commission may request additional information and, if it receives a request for confidentiality, that it "must apply procedures analogous to those set forth in 47 CFR § 0.459 . . . ." 207 CMR 6.40. In turn, the FCC's regulations at 47 CFR § 0.459 direct that requests that information not be made routinely available for public inspection should be evaluated pursuant to the provisions of the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA").

6. FOIA generally provides that material held by a federal government agency is public and therefore, that it must be available to members of the public upon request. However, FOIA also contains several categories of documents disclosure of which

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<sup>2</sup> However, pursuant to a request from the City of Boston, Cablevision did supply this information to Boston. In doing so, Cablevision noted Boston's historical ability to maintain the confidentiality of proprietary information which Cablevision had submitted to it during the term of its license.

is not required.<sup>3</sup>

7. One category of exempted material is that contained in exemption 4: "trade secrets and commercial or financial information obtained from a person and privileged or confidential . . . ." 5 U.S.C. § 552(b)(4). Under this exemption there are three (3) elements to be established to demonstrate that information held by the government may be exempted from disclosure:

- (1) that the information is a trade secret or commercial or financial information;
- (2) that the information is obtained from a person; and
- (3) that the information is privileged or confidential.

8. The Commission does not believe that an extensive analysis of case law is necessary regarding the first two elements. The Commission believes that the ordinary meanings of these provisions make it unlikely that they would be disputed.<sup>4</sup> In contrast, we will review the case law regarding the third element as it is often difficult to show that the information for which proprietary treatment has been requested is, in fact, confidential.

#### B. Privileged and Confidential Material

9. The leading case for determining whether or not information is confidential is National Parks and Conservation Ass'n v. Morton, 498 F.2d 765 (D.C. Cir. 1974). In that case, the court developed a two pronged test for determining whether or not information is confidential for purposes of FOIA. Under this test, information will be found to be confidential if "disclosure of the information is likely to have either of the following effects: (1) to impair the Government's ability to obtain necessary information in the future; or (2) to cause substantial harm to the competitive position of the person from whom the information was obtained." National Parks, 498 F.2d at 770 (footnote omitted).

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<sup>3</sup> The Commission notes that even if the material fits the established criteria and therefore may be exempted from disclosure, the decision whether or not to disclose such material is within the discretion of the agency. FOIA does not mandate withholding of exempt material, it merely allows an agency to do so.

<sup>4</sup> The terms "commercial" and "financial" are to be given their ordinary meanings. Allnet Communication Services, Inc. v. FCC, 800 F.Supp. 984, 988 (D.D.C. 1992) (citation omitted). The term "person" may include a partnership, corporation, association or public or private organization other than an agency. Allnet, 800 F.Supp. at 988 (citation omitted).

10. As many courts have found, the exemptions contained in FOIA serve to protect two interests. The first is the interest of the government in its ability to collect data and to work efficiently. The second is the interest of the person supplying data to the government to maintain the confidentiality of certain types of information. E.g., Critical Mass Energy Project v. NRC, 975 F.2d 871, 873 (D.C. Cir. 1992) ("Critical Mass II").

11. In analyzing the first prong of the National Parks test (that disclosure of the information is likely to impair the government's ability to obtain "necessary" information in the future) the information in question does not have to be "absolutely essential" to the performance of the government's function. The information only needs to be "particularly helpful". 9 to 5 Org. for Women Office Workers v. Board of Governors of Fed. Reserve Sys., 721 F.2d 1, 10 (1st Cir. 1983).

12. The information for which Cablevision has requested proprietary treatment, at a minimum, is "particularly helpful" to the Commission in evaluating Cablevision's rate filings. The information provided by Cablevision is backup data to its Forms 393. The Commission is authorized both by the Cable Television Consumer Protection and Competition Act of 1992 (the "1992 Act") and the regulations promulgated thereunder and by M.G.L. Ch. 166A, §15 to collect such data.

13. The Commission views its role in the rate regulation process as one of ensuring that an operator's rate filings are completed appropriately so that Massachusetts' cable subscribers are paying no more than the maximum rate permitted by the FCC for the basic service tier and associated equipment. At times, this process requires review by the Commission of backup data to an operator's rate filings and review of additional material to ensure that an operator's rates are within the zone of reasonableness established by the FCC.

14. In conducting its review of these rate filings, the Commission is dependent upon the provision of information by cable operators. Although the Commission can compel production of the requested information, it believes that it is critical for the Commission to receive accurate and reliable data from cable operators. The incentive for cooperation from operators in providing complete and accurate data may be diminished if allegedly sensitive information is widely available to the public.<sup>5</sup>

15. Because the information in question is particularly helpful to the Commission in evaluating Cablevision's rate filing, and in order to encourage cable operators to provide the Commission

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<sup>5</sup> E.g., Critical Mass II, 975 F.2d at 878; FCC v. Western Union Tel. Co., 2 F.C.C.Rcd. 4485 (1987).

with accurate and reliable data to backup their Form 393 filings, the Commission will grant Cablevision's request to keep this information confidential.<sup>6</sup>

16. In granting Cablevision's request, the Commission notes that it is generally concerned about liberally granting requests for confidentiality to cable operators. The Commission has strived to keep the rate setting process as open and as public a process as is possible. The Commission believes that this openness will encourage confidence regarding the Commission's procedures for rate regulation in the public, issuing authorities, cable advisory committees and the cable television industry and that this confidence will result in a more streamlined process for all participants.

17. Therefore, the Commission is concerned that by regularly granting requests for confidentiality, operators would be encouraged to seek confidential treatment of an ever-expanding array of material. The Commission notes that while it is granting Cablevision's request, the request was very narrow. To the extent the Commission finds in the future that cable operators file what appear to be unsubstantiated or overbroad requests for confidential treatment, the Commission may be forced to be more narrow in implementing the laws and regulations regarding the treatment of requests for confidentiality. The Commission will evaluate any request for confidentiality it receives on a case by case basis.

### III. Order

18. Accordingly, after due consideration and for the reasons discussed above, it is hereby ordered:


- 1) That Cablevision's request for confidential treatment of the Detail of Salaries it provided to the Commission is granted;
- 2) That a copy of this Order be placed in the public file for each affected case; and

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<sup>6</sup> The Commission notes that it is sensitive to the privacy rights of individuals whose salaries would be revealed upon such disclosure.

3) That the Detail of Salaries information which has been granted proprietary status be placed in a separate file which is not available to the public.

By Order of the Community Antenna  
Television Commission

  
John M. Urban, Commissioner

February 10, 1994



February 7, 1994

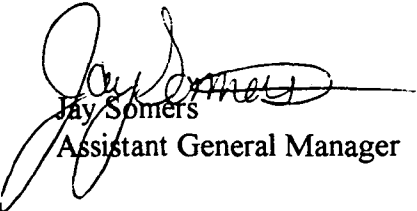
FEB 14 1994

Ms. Doree Hunter, Chairperson  
Board of Selectmen  
472 Main Street  
Acton, MA 01720

Dear Ms. Hunter,

Enclosed please find Cablevision's written responses to the Massachusetts Community Antenna Television Commission's inquiries posed by the commission staff at the January 31, 1994 pre-hearing. This information was presented to the Commission on February 7, 1994.

Sincerely,

  
Jay Somers  
Assistant General Manager

# **///CABLEVISION**

February 4, 1994

John D. Molloy, Esq.  
Legal Counsel  
Commonwealth of Massachusetts  
Community Antenna Television Commission  
100 Cambridge Street, Suite 2003  
Boston, Massachusetts 02202

RE: A-R Cable Services, Inc.

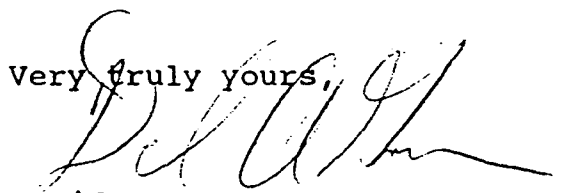
Dear Mr. Molloy:

Enclosed please find the response of A-R Cable Services, Inc. to your request for additional information at the pre-hearing conference on January 31, 1994 in connection with its FCC Form 393 filing for service provided in the Town of Acton.

Cablevision requests that the information provided in Exhibit 3 be designated as confidential in accordance with exemption 4 of the Freedom of Information Act, 5 USC s 552. Release of this information to the public would provide an advantage to our competitors. Therefore we deem this information proprietary.

Cablevision has not included Exhibit 3 in the copies of this correspondence to the franchising authority in line with our position that the information contained in it is proprietary. The company has requested that the Commission re-consider its position on this matter in correspondence regarding the City of Boston's request for proprietary information dated January 13, 1994 to Commissioner Urban. Cablevision needs assurance that the municipalities will establish and maintain procedures and safeguards for the protection of proprietary information. Indeed, many municipalities delegate the rate analysis responsibility to its Cable Advisory groups, whose members consist of non-salaried, non-elected local residents who may not fully appreciate the importance of maintaining confidentiality, nor be subject to personal recourse if the Commission's restrictions against disclosure are violated. Cablevision strongly believes its position is justified and is not including Exhibit 3 for these reasons.

Very truly yours,

  
David A. Green

for Pamela J. Montag  
Director of FCC Compliance  
Cablevision Systems Corp.



## INDEX

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
1	Supplemental Schedule for Step A Line 4.
2	Supplemental Schedule for Step C Line 9, Step D Line 16 and Step E Line 23.
3	Schedule B with supporting explanation of percentages.
4	Support for questions associated with new drops and contractor labor.
5	Support for Tax calculations.

System: Acton

## SUPPLEMENTAL SCHEDULE FOR STEP A LINE 4

	QUANTITY (1)	AVERAGE HOURS (2)	WEIGHTED HOURS (3)
NEW CONNECTS	654	1.00	654
RECONNECTS	2,577	0.75	1,933
EQUIPMENT CALLS	389	0.50	<u>195</u>
TOTAL HRS LINE 4			<u><u>2,781</u></u>

(1) NUMBER OF CALLS AS REPORTED BY CABLEDATA FOR THE PERIOD ENDING 8/30/93

(2) HOURS BASED ON TIME STUDIES AS REPORTED BY THE SYSTEM.

(3) AVERAGE HOURS PER CALL TIMES THE NUMBER OF CALLS

System: Acton

## SUPPLEMENTAL SCHEDULE FOR STEP C LINE 9

	QUANTITY (1)	AVERAGE HOURS (2)	WEIGHTED HOURS (3)	PERCENTAGE OF REMOTE REPAIR (4)	TOTAL MAINTENANCE/ INSTALLATION HOURS (5)
EQUIPMENT CALLS	389	0.50	195	6.00%	11.67

## SUPPLEMENTAL SCHEDULE FOR STEP D LINE 16

	QUANTITY (1)	AVERAGE HOURS (2)	WEIGHTED HOURS (3)	PERCENTAGE OF ADDRES CONVERTER REPAIR (4)	TOTAL MAINTENANCE/ INSTALLATION HOURS (5)
EQUIPMENT CALLS	389	0.50	195	94.00%	182.83

## SUPPLEMENTAL SCHEDULE FOR STEP E LINE 23

	QUANTITY (1)	AVERAGE HOURS (2)	WEIGHTED HOURS (3)	PERCENTAGE OF NON ADDRES CONVERTER REPAIR (4)	TOTAL MAINTENANCE/ INSTALLATION HOURS (5)
EQUIPMENT CALLS	389	0.50	195	0.00%	0.00

(1) NUMBER OF CALLS AS REPORTED BY CABLEDATA (BILLING SYSTEM) FOR THE PERIOD ENDING 8/30/93

(2) AVERAGE TIME TO PERFORM THS CALL BASED ON TIME STUDIES AS REPORTED BY THE SYSTEM.

(3) AVERAGE HOURS PER CALL TIMES THE NUMBER OF CALLS

(4) PORTION OF TOTAL EQUIPMENT CALLS RELATED TO REPAIRS BASED ON TIME STUDIES AS REPORTED BY THE SYSTEM.

(5) WEIGHTED HOURS TIMES THE PERCENTAGE OF REPAIRS

**RESPONSES TO QUESTIONS FROM THE MASSACHUSETTS COMMUNITY ANTENNA  
TELEVISION COMMISSION**

**QUESTION**

- a) Are New Drops capitalized (pole to demarcation and demarcation to TV)?
- b) Where are the expenses for new connects in the hourly service charge ?

**ANSWER**

- a) New drops are capitalized from the pole to the TV.
- b) The column in the supporting schedule to Schedule B labeled "Cap %" removes all new drop costs from the associated departmental expenses based on the audited capitalization statistics by department. No new drop costs are included in the expenses used to compute the hourly service charge.

**QUESTION**

- a) In Schedule B, how is contract labor accounted for ?
- b) If contract labor is used for equipment repair, how is that accounted for ?

**ANSWER**

- a) The call statistics used to calculate the allocation percentages on Schedule B include all associated calls for installations, new connections, disconnections, etc. regardless of whether the call is performed by an in-house technician or an outside contractor. The associated expenses are included in the General Ledger amounts on Schedule B and would be allocated according to the associated allocation percentage.
- b) Where contractors are used for equipment calls or equipment repair, the associated percentage (which uses equipment calls as part of the ratio) would appropriately allocate those costs.

## SUPPORT FOR THE TAX RATE USED IN SCHEDULES A &amp; C

Detailed below is the derivation of the tax factor used to support the income tax amount shown in column G. The tax factor is based on the FCC's rate of return included in the Report and Order of 11.25% and the individual State and Federal tax rates applicable to this franchise system. The tax factor cannot be separated between the State and Federal pieces because of the cross-deductibility of the taxes.

<u>FCC's Rate of Return</u>		<u>Weighted Cost</u>	
Debt	44%	8.80%	3.87%
Equity	56%	13.18%	7.38%
			11.25%

<u>Pre-tax Return</u>		<u>Tax Factor (a)</u>	
Debt	3.87%	1.00	0.0387
Equity	7.38%	1.6742	0.123556

<u>Taxable Equity Return</u>		<u>Pre-tax Factor</u>	
Equity portion	7.38%	0.6742	4.98%

Multiply Col E times this amount.

(a) See Calculations Below

Statutory Rate - State	9.50%	Refer to attached memo from Economists Incorporated dated 7/26/93	
Statutory Rate - Federal	34.00%		

To compute the Federal deduction effect on state taxes

State rate		9.50%	
Federal rate		34.00%	0.142
Federal deduction for state tax		3.23%	
Effective state rate		6.27%	State rate less 3.23%
Federal rate		34.00%	
		40.27%	
Pre-tax factor	(1)	1.6742	$1 + (40.27\% / (1 - 40.27\%))$
State rate		9.50%	
	(2)	0.1590	
(1) - (2)	(3)	1.5152	
At Federal rate		34.00%	
	(4)	0.5152	
(3) less (4)		1.0000	Net income after tax

For Worksheet A & C

TAX RATES  
FCC UPDATE PER  
ECONOMISTS INCORPORATED 7/26/93

	FED	STATE	CITY	STATE TAX ADJ FOR TAX	CITY TAX ADJ FOR TAX	FED TAX W/STATE DED.	AFTER TAX RETURN	FCC EQUITY RETURN	TAX RATE W/ EQUITY RETURN
NYS WITH MTS	34.00%	11.88%		7.84%		41.84%	71.94%	7.38%	5.31%
NYS W/O MTS	34.00%	10.35%		6.83%		40.83%	69.01%	7.38%	5.09%
NYC	34.00%	11.88%	9.00%	7.84%	5.94%	47.78%	91.50%	7.38%	6.75%
NEW JERSEY	34.00%	9.38%		6.19%		40.19%	67.20%	7.38%	4.96%
ILL	34.00%	7.30%		4.82%		38.82%	63.45%	7.38%	4.68%
MA	34.00%	9.50%		6.27%		40.27%	67.42%	7.38%	4.98%
MIChigan	34.00%	2.35%		1.55%		35.55%	55.16%	7.38%	4.07%
CONN	34.00%	12.65%		8.35%		42.35%	73.46%	7.38%	5.42%
OHIO	34.00%	9.12%		6.02%		40.02%	66.72%	7.38%	4.92%
Kansas	34.00%	6.50%		4.29%		38.29%	62.05%	7.38%	4.58%
MO Missant	34.00%	5.00%		3.30%		37.30%	59.49%	7.38%	4.39%
ME Maine	34.00%	9.82%		6.48%		40.48%	68.01%	7.38%	5.02%

Column G should be

NOTE MULTIPLY COL E TIMES THE LAST COL OF THIS WORKSHEET  
THIS WORKSHEET PROVIDES FOR THE GROSS-UP OF FED & STATE  
TAXES TO PROVIDE FOR A RETURN ON TAXES AND EQUITY.

Restricted  
V-Cable  
A-R Cable

For Boston, Chicago, New York, NYC, U.S. Cable, North coast,

no taxes - column G will be zero

CC/BOS

BOARD OF ASSESSORS

MINUTES

FEBRUARY 7, 1994

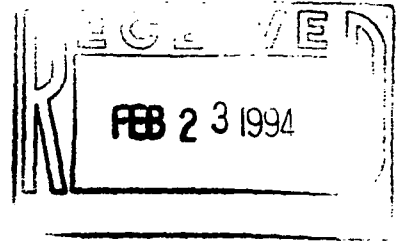
1. The 1992 and 1993 motor vehicle abatements were signed.
2. FY 94 monthly real estate and personal property abatements were signed.
3. FY 93 monthly real estate and personal property abatements were signed.
4. FY 94 real estate exemptions were signed where applicable.
5. 1993 motor vehicle commitment and warrant #5 was signed by the Board.
6. 1994 motor vehicle commitment and warrant #1 was signed by the Board.
7. FY 94 commitment and warrant was signed for a revised assessment on the Newsham property.
8. The Board signed the commitment and warrant for McMahan's deferral.
9. The 1992 motor vehicle abatement for Nancy Brown was denied by the Board.
10. Wickes Lumber personal property tax was abated in full.
11. The Board agreed to abate Acton Tech Center down to \$4,360,000 for FY 92 and \$3,900,000 for FY 93 as reported in appraisal by MMC.
12. The Board agreed to abate a portion of the following properties due to incorrect information on property record card. H3B-19-34 abated \$3,900, H3B-19-38 abated \$3,900 and D5-22-4002 abated \$5,700.
13. Unigraphics personal property bill was abated in full because of discontinuence.

14. W.R. Grace was abated \$157,300 due to FY 93 agreement.
15. Property at 41 Summer Street (Manter) was abated for FY 93 by \$9,600 agreed by the Board.
16. C & R Properties at 209 Great Road #A3 and #A5 were abated \$15,100 and \$13,200 to be consistent with other units.
17. The Board agreed to abate 289 Great Road, parcel E5-5, to \$5,875,500 down from \$7,266,600 for FY 93.
18. The Board agreed to abate 382 Great Road #B304 \$12,300 for consistency purposes.
19. The Board abated ten parcels: G1-107, G1-123, G1-153, G1-173, G1-133, G1-37, G1-55, G1-94, G1-95 and G1-96 per FY 93 agreement. All are vacant unbuildable lots.

Attendance: James Kotanchik  
Robert Adams  
Donald Rhude  
Brian McMullen



cc: BOS



BOARD OF ASSESSORS

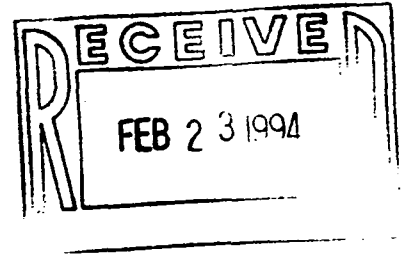
MINUTES

FEBRUARY 15, 1994

1. The Board agreed to abate property value at 17 Willis Holden Road \$10,300 due to data correction on the property record card.
2. The Board agreed to abate property value at 29 Robinwood \$11,600 due to data correction on property record card.
3. The Board abated property at 25 Independence Road, parcel I3-145-1, \$200 due to erroneous bill. The property has tax exempt status.
4. The Board reviewed many Clause 18 Hardship Exemptions. The following were abated in full or in part - Hildreath C5-21, Tuttle H2A-34 and Glen H2A-28. The following were denied - Cunningham H2-54, Abramian F5-2C-B6 and Jacobs G2-11.

Attendance: Robert Adams  
Donald Rhude  
Brian McMullen

cc: BOS  
39 Nylander Way  
Acton MA 01720  
February 3, 1994



Board of Selectmen  
Town of Acton  
Acton Town Hall  
Acton MA 01720

Re: Rt. 27 Railroad Bridge

I read of the plans to repair this bridge in the Beacon. Mentioned was the possibility of a traffic light at the intersection of School St. and 27. I believe this would exacerbate other problems in the immediate area if it were done alone.

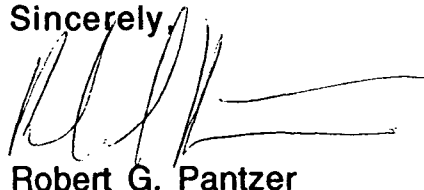
Exiting from Nylander Way during the morning rush hour is difficult when attempting to head south on 27. There are few breaks in the traffic. With a light at School Street there would be none. Exiting in either direction during evening rush is now a problem. A School Street light might make this easier.

Entering 27 from Central Street during morning rush has the same problem as from Nylander Way. There are few breaks and the proposed light would no doubt eliminate those. In the evening there are often a number of cars waiting to turn from 27 onto Central Street, contributing to the School Street and Nylander Way problems.

I have not encountered problems on High Street but do not travel that way in the evening on a regular basis. I would expect a light at School Street to cause a solid stream of North bound traffic on the south side of the bridge, making an exit from High Street all but impossible, particularly for a driver wishing to turn south.

There are some problems today, my concern is that a traffic light only at School Street would replace those with others much more severe. One possibility would be to do nothing. If lights are to be installed I would urge the installation of coordinated lights at all adjacent intersections, Rt. 27 and Central Street, Nylander Way, School Street, and High Street.

Sincerely,

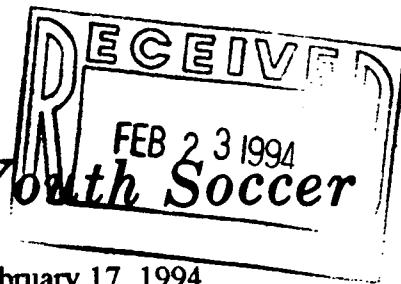


Robert G. Pantzer



# Acton - Boxborough Youth Soccer

February 17, 1994



Mr. Edward Bailey, Chairman  
Cemetery Commission  
Town of Acton  
Concord Road  
Acton, MA 01720

cc: BOS

Dear Mr. Bailey:

The Acton-Boxborough Youth Soccer League (ABYS) requests the permission and authorization of the commission to install an inground sprinkler system on cemetery property at the Woodlawn Cemetery on Concord road. This system would provide irrigation for the soccer field at that site.

Per the variance granted to ABYS by the Board of Health on October 18, 1993, the league proposes to install a private bedrock (artesian) well, the inground sprinkler system, and all necessary controls for their operation. All costs for this installation and ongoing operation will be paid by ABYS.

At the time that the commission requires the land currently used as a soccer field for its own purposes, ABYS will donate the entire system to the Town of Acton for no compensation and at that time no longer be responsible for the system's maintenance and operation.

If you have any questions regarding this request, please contact Allen Warner (264-4250).

We look forward to your response to this request.

Sincerely,

Joseph Will, President

CC: F. Dore Hunter ✓  
Dean Charter

**Volunteer Coordinating Committee Minutes  
24 January, 1994**

Present: Comstock, George, Husbands, Lane, and Whitcomb

Absent: Kadlec

Meeting was called to order at 7:35 pm at Acton Town Hall. Minutes of 10 January 1994 were reviewed and approved as amended.

Interviews:

Jonathan Magasanik: Was interviewed for a position on the Finance Committee. Mr. Magasanik is a management consultant with The Boston Consulting Group. His educational background includes an MBA in Finance from the Wharton School of the University of Pennsylvania. He grew up in Natick and recently moved to Acton. He wishes to get involved in local government activities and thought his background might be appropriate to the work of the FINCOM.

Paul Diguette: Was interviewed for a position on the Finance Committee. Mr Diguette is the President and Chairman of the The MarCom Group in Marlborough Massachusetts. In this capacity he is responsible for strategic planning and budgeting. Mr Diguette has lived in Acton for the last 12 years and has closely followed the financial concerns faced by the town. He indicated that he enjoys the planning/budget process and feels that his interests and background could be directly applied to problems assigned to the members of the FINCOM.

Old Business:

The status of the two candidates previously interviewed for the COA positions will be put on hold. Walter contacted the candidates and each would like to be considered for a COA position when a opening becomes available. These candidates are James J. Murphy and Felicia Hillman. Nancy reported she had contacted the two candidates who have applied for positions on the COA but have not yet interviewed with the VCC. These candidates are Margaret and Joseph McGinty. They indicated that they might consider other possible town assignments but have a principal interest in the COA.

Walter reported on the status for Assessors' Training. This is a one week, full time course given at Amherst and is usually held in August. An alternate course, operated on a one evening per week basis for 10-weeks, is also available. The alternate course is held at different sites. The cost of attending these courses are covered by the town.

Board of Selectmen Appointments Since the last meeting no new appointments were made by the Board of Selectmen and no persons were sworn-in.

New Business:

A motion was made to pass the names of both of the candidates interviewed for the Finance Committee positions to the Town Moderator with a positive recommendation. The motion was passed by a unanimous vote.

A recommendation was made to advertise for the vacant position on the VCC. It was suggested that the candidate for this position have some data processing experience and be available to accomplish some tasks in Acton during normal working hours.

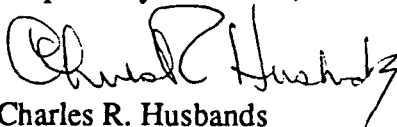
Betsy provided some information from the database on VCC actions pending as of 1/23/94. The list of candidates and the associated pending actions are shown below:

#### VCC ACTION PENDING AS OF 1-23-94

Last Name	First Name	Int Date	Rec Date	Group	Action Pending
Miller	Nicholas	5-3-93	5-17-93	BOAP	BOS Clarification
Wolfson	Marilyn	5-11-92	5-11-92	HFAC	BOS Clarification <i>(Resigned)</i>
Doyle	Elaine	11-29-93	11-29-93	BOH	BOS/TM Appointment
Durham	Andrew	6-14-93	6-14-93	ACC	BOS/TM Appointment
Patton	Cindy	7-19-93	7-19-93	BOH	BOS/TM Appointment

The meeting was adjourned at 8:47 pm. with the next meeting is scheduled for 14 February 1994.

Respectfully Submitted,

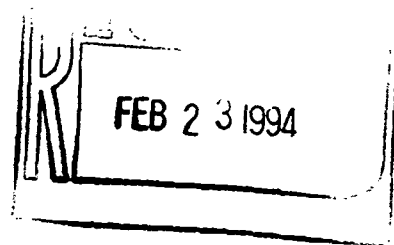


Charles R. Husbands

cc: Board of Selectmen, Town Clerk



cc: BOS



February 16, 1994

To All Members:

The Board of Directors of the Friends of the Acton Arboretum will convene our third annual meeting as an incorporated organization at 7:30 p.m. on March ~~23~~<sup>24</sup>th, 1994, in Room 126, Acton Town Hall.

Annual reports from the chairperson, treasurer, and committees will be made. Board terms, officers, and committee chairs for the 1994-95 year, and any bylaw ammendments will be voted.

The Board would welcome your attendance.

Sincerely,

Sally Bond  
Clerk



WILLIAM F. WELD  
GOVERNOR

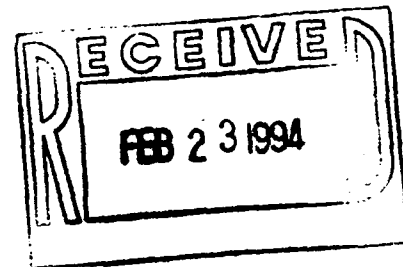
CC: BOS

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT

MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY



A. DAVID RODHAM  
DIRECTOR



February 18, 1994

It is with great pleasure that the Massachusetts Emergency Management Agency announces the decision by the Commonwealth of Massachusetts to participate in your Communities' storm reimbursement for the December Blizzard 1992 and the March Blizzard 1993. Governor Weld, together with your State Legislators, have approved reimbursement in the amount of 12.5% of your Communities' total eligible claim as determined by the Federal declaration.

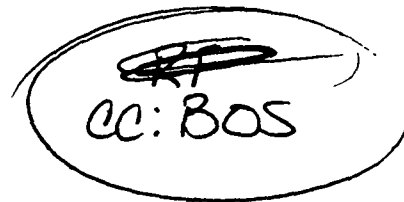
No additional paperwork is necessary in order to receive this reimbursement. The MEMA Disaster Recovery Department will authorize the transfer of your State Share to match the Federal payments your Community has received to date for the aforementioned storms.

The State payment process has already begun, and will continue over the next few weeks.

Since Hurricane Bob in August of 1991 through the March 1993 Blizzard, the staff at Massachusetts Emergency Management Agency has taken great pride in assisting your Community in its recovery efforts. We look forward to meeting your needs in the upcoming year.

Sincerely,

A. David Rodham  
Director



24 February 1994

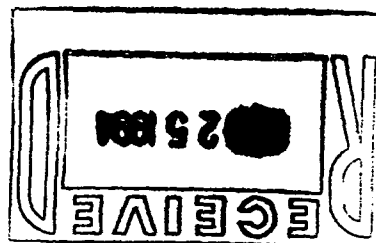
Board of Selectmen  
Town of Acton  
Acton, MA 01720

Dear Members of the Board,

As you can see from the enclosed notice, the New England Drama Festival will be held in Acton this year. The event has been in the planning stages since last summer. At this time I should like to make you all aware of the event, and I should like to invite any or all of you to participate in welcoming the festival participants and their families to Acton. At the beginning of the various sessions of plays there is usually some word of welcome and/or congratulations to the assembly. Either the governor or the lieutenant governor will be at one of the sessions, but the exact time and date has yet to be determined. I hope you will be able to take part in this festival in some way. Please contact me when you know for certain that any of you can speak at the event. Many thanks for your support.

Sincerely,

*Vincent Parrella*  
Vincent Parrella





# The New England Drama Festival

## April 21, 22, & 23 1994

Acton-Boxborough Regional High School has been selected by the New England Drama Council as the site for the 1994 Sixty-sixth Annual New England Drama Festival. The annual three day event will take place on April 21, 22, and 23, 1994. The Festival is the culmination of state drama festivals held in each of the six New England states throughout the late winter and early spring months. The location of the New England festival is determined by a scheduled rotation, and 1994 is designated for Massachusetts to host the event. The last time Massachusetts was slated to host was in 1988, and Prockton High School was the chosen site.

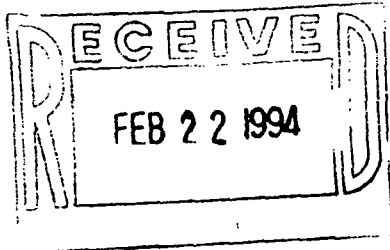
The New England Festival will feature the two finalists from each New England state. These two finalists will represent schools who have competed in their state festivals from regional levels through semi-finals and on to state finals. At each level of the festival, entrants are evaluated by qualified judges who determine who will advance on to the next level of competition. In Massachusetts, the State Festival is organized by the Massachusetts High School Drama Guild, Inc. Massachusetts schools who enter the state festival usually face serious competition from the 85 -90 member schools who belong to the Guild and who participate in festival. Being a state finalist is a major achievement for any high school drama organization.

Organizing the 66th Annual New England Drama Festival from ABRHS will be Vin Parrella, who has directed Proscenium Circus in the state festival for the past seven years, Ann Sorvari, who is the faculty advisor for Proscenium Circus, and the Proscenium Circus Governing Board, which is composed of student members of Proscenium Circus.

Since the event will bring between 350 - 500 people from all over New England to Acton next April. Mr. Parrella and Mrs. Sorvari will be looking for support from all areas of the community. We hope that you will give your support to this worthwhile event which will provide another valuable educational experience to our students. If you have any questions about the event or if you would like to offer your support in any way, please contact Mr. Parrella at 263-0767.



cc: DOD



Donald G. Knecht  
3 Coughlin St  
Acton, Ma 01720

Feb 18, 1994

Mr. John W. Lord  
District Eng.  
Water Supply Dist of Acton  
P.O. Box 953  
Acton, Ma, 01720

Dear Mr. McLord,

The snow was cleared at a by-dont in front of my home yesterday.

The machine operator dumped it in my front yard, all over a planting of several mature yew plants, one or two of which look to be totally destroyed.

In addition we have all the residual salt and sand among the plants.

These plants are large and if replacement is necessary they will be expensive. I will be looking to you to make any costs incurred in the spring.

Donald G. Knecht

cc: Town Eng  
Don Johnson

cc: BOS

DON

TOWN OF ACTON  
472 Main Street  
Acton, Massachusetts 01720  
Telephone (508) 264-9628  
Fax (508) 264-9630

David F. Abbt, P.L.S.  
Engineering Administrator

February 17, 1994

Richard M. Cotter, Esquire  
Wilson, Orcutt, Cotter & Greenberg, P.C.  
210 Great Road  
Acton, MA 01720

re: Traffic Signals  
Route 27/Post Office Square

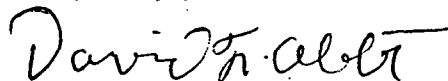
Dear Dick:

Roy Smith reminded me that you need a review of the Grant of Easement for the Post Office Square project. After reviewing the draft you sent to me on December 16, 1993, I have the following comments.

1. It might be better if the first paragraph contained the name of the grantor rather than the "undersigned". At least I am more familiar with this format.
2. The Town of Acton will not want to assume full maintenance responsibilities for the "Acton Place" driveway, only the right to install and operate the signal equipment. The grant might be vague on this point. In any case, the grantor will still have to maintain the pavement, patch pot holes, etc.
3. Before the executed grant can be recorded in the Registry of Deeds, the Town Meeting will need to vote acceptance of the easement. This may delay the recording, but would not hold-up the installation of the signal.

If you have any questions, please call me at 264-9628.

Very truly yours,



David F. Abbt  
Engineering Administrator

DFA/dmj  
cc: Don P. Johnson, Town Manager ✓

.94\*153

cc: BOS

**///CABLEVISION**

February 17, 1994

The Commonwealth of Massachusetts  
Community Antenna Television Commission  
Leveritt Salton Stall Building  
100 Cambridge Street  
Boston, MA 02002

Dear Sir / Madam:

In accordance with M.G.L. ch. 166A & 10, enclosed please find copies of the  
A/R Cable Services, Inc., Fourth Quarter Complaint Reports for 1993.

Sincerely,



Jay Somers  
Assistant General Manager

JS:cc  
4qtrcatc.doc

cc: Ms. Dore Hunter, Chairman  
Board of Selectmen  
472 Main Street  
Acton, MA 01720

Name of Licensee: A R Cable Service  
 License Area: Acton  
 Business Address: 577 Main St  
 Hudson MA

4th Quarter 1993  
 Total Complaints  
 This Quarter

Total Complaints  
 To Date This Year

Type	Total Complaints This Quarter	Total Complaints To Date This Year
Quality of Picture	182	1297
Quality of Sound		
Program Content	1	1
Interruption of Service (technical)	32	217
Deletion of Program(s) from Broadcast Channel		
Complaints With Respect to Services Other than Television	41	127
Failure to Respond to Original Complaint		
Failure to Service Original Complaint Satisfactorily		
Inaccuracy of Billing	1	1
Special Promo		
Miscellaneous		

Licensee shall submit two completed copies of this form to the Commission and the issuing authority  
 no later than two weeks after each of the following dates: March 31st, June 30th, September 30th,  
 and December 31st.

If a licensee operates more than one community antenna system, the licensee shall submit separate  
 complaint tabulations for each system.

**Complaint Code:**

- 4: Quality of Picture
- 3: Quality of Sound
- 2: Program Content
- 1: Interruption of Service  
(Technical)
- 0: Deletion of program(s) from  
broadcast channel

- F: Complaints with respect to  
services other than television
- G. Failure to respond to original complaint
- H. Failure to service original complaint  
satisfactorily
- I. Inaccuracy of billing
- J. Special Promo
- K: Miscellaneous

07823	Leominster Peabody Hudson Braintree
07829	Lexington
07831	Norwood
07841	Haverhill

[illegible]

**NOTE: See significant service interruption form instructions.**

licensee is required to keep such records on file in its local business office for a period not less than two years from the date of any complaint recorded.

**FORM 3**  
**CATV FORM 500C**  
**SIGNIFICANT SERVICE INTERRUPTION FORM**

*ACTION*

Nature and Cause of Service Failure or Disruption	Date of Occurrence	Number of Subscribers Affected	Action Taken	Date Service Restored	Number of Hours Service Unavailable
OUTAGE - NO P/L	11-3-93	132	REPL. POWER INS.	11-3-93	0.50
POWER OUTAGE	11-30-93	2440	POWER CO. RESTORED	11-30-93	0.50
"	12-18-93	106	" "	12-18-93	2.00

A license shall not be required to record separately the name, address and complaint of customers notifying said licensee of service disruptions or failures in those instances where ten or more customers are simultaneously affected by the same system failure. The licensee shall prepare and forward with the quarterly complaint form a completed copy of the above form for each significant service interruption. This form is to be used in lieu of licensee complaint form when a single occurrence causing ten or more customer complaints to be filed with the licensee occurs.